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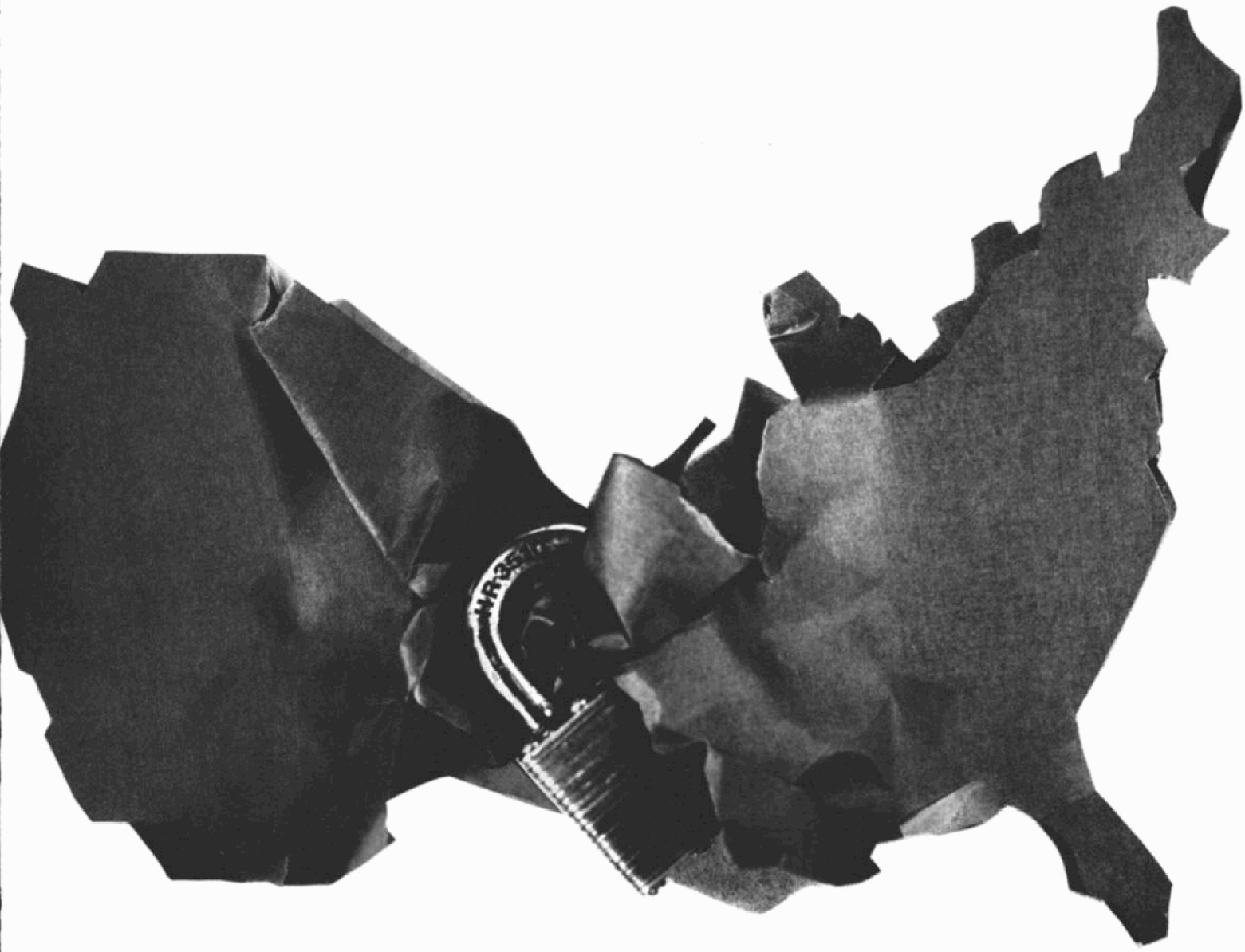

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editorial

DEFAULT: KEY TO NEW YORK CITY'S REBIRTH

"[If the federal government let New York default, it would be] the ultimate immorality that a federal government could practice on its people during these times of financial crisis."
—New York Governor Hugh L. Carey

"If we go on spending more than we have, providing more benefits and services than we pay for, then a day of reckoning will come to Washington and the whole country just as it has to New York."
—President Gerald Ford

We go to press amid increasing clamor for federal aid to help New York City stave off a default. New York owes $12.3 billion, and has had four close brushes with default since last spring. Without a federal bailout loan or loan guarantee, it is virtually certain that New York will be unable to pay its bonds and other bills which fall due in December. President Ford has, so far, taken a tough stance opposing a bailout, but there are emerging signs that he may back off from his recent vow to veto any federal bailout of New York City.

New York City is on the decline. Its deterioration has been accelerated by a combination of factors—primarily the city's astronomically high taxes and destructive rent control laws. New York City has an assortment of more than 25 different taxes, including an 8 percent sales tax (highest city sales tax in the U.S.), an 8.5 percent real estate tax (if you own a $20,000 home, your taxes are about $1700), a city income tax (for individuals and corporations), and taxes on just about everything else the city can find to tax. Because of rent control, many landlords can't raise rents enough to cover taxes and other costs, and many unprofitable buildings are simply abandoned (landlords are walking away from more than 30,000 apartments every year). Real estate tax delinquencies reached $220 million in fiscal 1975, and some 25 percent of all apartment buildings are already in default this year.

City spending and taxation have been increasing at a galloping pace, and have driven numerous businesses and people out of the city. Spending (now over $1 billion every month) goes mainly for *welfare* (some 960,000 residents, 1 out of every 7 New Yorkers, is on welfare), *education* (nearly one-third of the 75,000 employees of the bureaucrat-laden board of education do not teach), *debt service* (high interest is paid on short-term notes to finance current expenses) and *salaries and pensions for city employees* (from 1961 to 1974, while the city's population declined, the number of full-time city employees soared by 100,000 to a total of some 300,000). What is breaking the city is not merely subsidies to the poor (the cost of welfare and charity for 1975-1976 is $3.4 billion), but New York's generous subsidies to the middle class (including approximately $7 billion a year, or 60 percent of the budget, for high salaries and extravagant pensions for largely middle class city employees, who are the best paid in the country—as well as free tuition at the city university and rent control, which benefits not the poor who move too frequently, but the middle class).

Although New York City banks strongly favor a bailout—as holders of large amounts of New York City securities, they stand to incur significant losses—many business leaders welcome a default as a "good thing" for the country.

Outside of New York, the public doesn't seem too enthusiastic about any costly bailout. The prevailing public attitude toward taxation was shown by the November elections, in which the voters turned down $5.87 of the $6.33 billion bond measures that were on the ballot across the United States. As *Time* reported, "A stunning 93% of the bond proposals across the country were thumbed down." A Harris poll taken in November found that the American public favors federal loan guarantees by a 69 to 18 percent margin, if the city "balances its budget and such a plan would not cost the taxpayers any money." Harris pollsters did not mention that Mayor Beame had turned down a $2 billion loan from Arab sources, which was payable in 20 years at an interest rate of 8.85 percent, because it required a guarantee by New York City banks. Obviously many people have been lulled by Abe Beame's claim that a federal guarantee wouldn't cost federal taxpayers anything. Tell us, Abe, if the guarantee were truly without risk, why don't the New York City banks—or Nelson Rockefeller, for that matter—provide the guarantee with *their* funds?

What does REASON propose? We're strong advocates of allowing New York City to default. The consequences of a default would be positive and healthy. Instead of a bailout, which would benefit primarily the banks and wealthy investors who chose to buy New York City bonds—at a high yield—we believe it *just* for those who voluntarily put themselves in the position of lending money to the government to bear the risk of a default. Since these banks and investors never offered to forego their profits when times were good, we're hard put to see anything fair about them insisting that we now share their losses.

Whether or not the city defaults, times are going to be rough in New York for awhile. But sooner or later, the city will be forced to change its ways and abandon its big-spending, high-taxing style. The financial crisis in New York was inevitable, and it presents an historic opportunity for reform for the aging metropolis: default.

A bailout would not only prolong the agony and trigger rampant inflation, it would eliminate the pressures for long-overdue internal reforms, and by calling for increased taxes, would accelerate the exodus of business and middle-class residents from the city. City residents should not be forced, by higher taxes, to sacrifice for the sins of New York City politicians. And, to avoid rewarding chronic irresponsibility, we should not let the big spenders in New York get the big spenders in Washington into the act.

Here's our program for reform, led off by default:

1. *Radical tax reform.* Last year, New York City residents and businesses paid $19 billion in federal taxes, and received back $8 billion from the federal treasury. If this federal tax ripoff could be eliminated, the city would get a fresh breath of life. New York City taxes, too, must be drastically curtailed, so that the city can attract—instead of repel—productive inhabitants.
2. *Eliminate rent control.* Rent control is a primary cause of the city's problems and rents should be immediately decontrolled.
3. *Cut city services and allow competition.* There is no sound reason for the city to provide services which can be supplied by private firms more efficiently, more cheaply—and at a profit. Let the city's flourishing block associations (which aren't obligated to pay off city bonds) voluntarily contract for their own services—such as fire protection (as is done in cities in Arizona with the highly regarded Rural/Metro Fire Department Inc.), garbage collection, education and even police services (as currently is done in over 50 California cities which contract with county sheriffs).

Instead of politicians yielding to powerful city labor unions in costly city-wide settlements, communities could choose from services provided by competing private contractors, and financed voluntarily rather than by property taxes. Such a fundamental approach to reform has been advocated by Emanuel S. Savas, formerly first deputy city administrator under Mayor Lindsay, and now a professor of public-systems management at Columbia:

4. *Impose liability on politicians for maladministration.* Fiscal gimmickry and phony bookkeeping have been a way of life for top city officials in New York. The attorney for the New York State Legislature's Select Committee on Crime concluded that "recent city borrowings have relied upon massive fraud." Any politician who was involved in such borrowings should be held personally liable to repay those who were fraudulently induced to invest in city notes.

New York can become a more livable city again. Let's keep it out of the hands of the politicians, and give meaningful relief to the real victim of the city's financial crisis: the city taxpayer.

—MANUEL S. KLAUSNER

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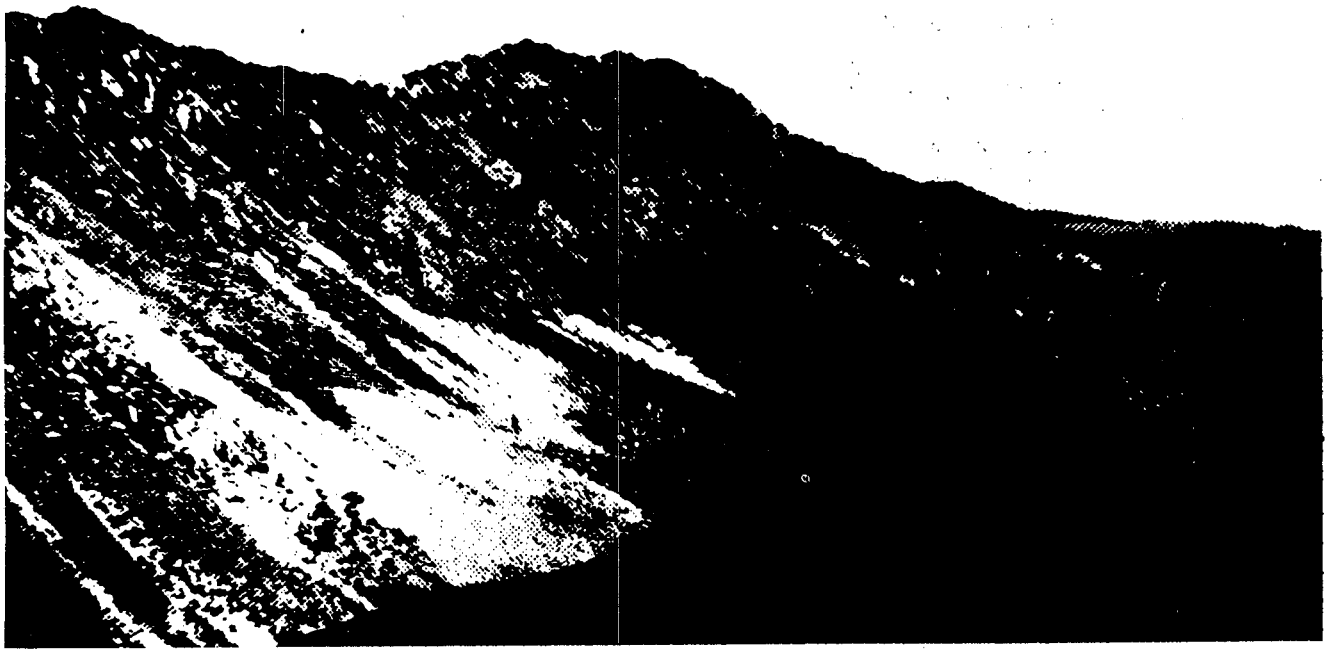

The case AGAINST land use planning

BERNARD SIEGAN

On July 15, 1975, by a vote of 23 to 19, the House Interior and Insular Affairs Committee voted to table the National Land Use Bill, HR 3510. The measure is likely to be revived in comparable form in future Congresses and we do well to consider the objectives and content of the bill that was tabled. In brief, HR 3510 would have provided total funding of $500 million to be given states over a six year period to develop state land use planning and regulations. The grants would be made on a 75 percent Federal, 25 percent state-matching basis. An Office of Land Use Administration would be established within the Department of the Interior to administer the program.

To qualify for an initial grant, the state would have to establish a land use planning agency and an advisory council composed of local officials and farm district representatives. To receive additional grants after it had been given three annual ones, the state would have to develop a land use program in accordance with guidelines set forth in the bill. These would require the state program, among many other things, to "consider" the location, and environmental, social, and economic impact of large scale developments of "regional impact," and to regulate development within "areas of critical state concern" (the term used in this bill to include what has been more commonly referred to as areas of "critical environmental concern"). Other provisions would require the state to promote use of lands for food and fiber production, and to encourage land use practices designed to conserve energy. Court review would be provided to states denied grants, certain public hearings would be required, and within 60 days after notification Congress could by concurrent resolution reject any guidelines, rules or regulations issued under the act.

This article is adapted from a statement opposing H.R. 3510 presented to the House Interior and Insular Affairs Committee by Professor Bernard H. Siegan.

One hears quite frequently that there must be a new attitude toward land use, that we can no longer live with the policies of the past. These words usually preface an argument favoring strong national or state land use regulation. Controls at these higher levels, it is claimed, will prevent waste and misuse of land and end urban sprawl. "It will preserve the land for generations yet unborn."

I submit that there is little substance to merit the flowery prose. The proposed controls will accomplish more of what proponents say they want to prevent. Instead of conserving a precious resource, more of it will be misused and wasted.

PROHIBITING DEVELOPMENT

This point can best be explained by considering the general objectives of the legislation. The bill seeks to carefully screen and/or prevent development in areas considered "environmentally sensitive" or, as it is phrased by the legislative draftsmen of HR 3510, "areas of critical state concern." Areas of critical state concern are defined and described in Sections 103(a) and 302. A reading of the general language used suggests that an enormous amount of real estate is involved, possibly substantial portions of western states. Consider just the designation contained in part of Section 302:

> (A) natural or historic lands with significant scientific, educational, recreational, or aesthetic values, such as significant shorelands of rivers, lakes and streams, rare or valuable ecosystems and geological formations, significant wildlife habitats and fragile areas. . .

However, regardless of the language or intent of its sponsors, it is not likely that all development will or can be prohibited within these areas. What will happen in all probability is much more of what is already occurring under local zoning. There would be less development and real estate prices would increase. However, relatively few of the critical areas would be preserved in their natural setting.

There are two reasons for this. The more important one concerns the "taking" provisions of Federal and state constitutions, i.e., that private property shall not be taken for public use without just compensation. The second reason is that the regulatory process tends to solve controversies through some compromise formula, an approach which would be reinforced in this situation by the provisions of taking clauses. The regulators would probably seek to resolve most problems by requiring less intensive land use. For example, instead of preventing construction of an apartment building containing 100 units on a site adjoining the ocean, the development would be allowed, but the number of apartments reduced to say, 65 or 85, with possibly an easement to the water and additional landscaping required. A slim five story building might be transformed to a squat three story one. A proposed house might have to be set back further from the ocean, and reduced in size.

PLANNING IN PRACTICE

The foregoing examples illustrate the course generally being followed in California under its Coastal Zone Conservation Act, which is intended to control development for environmental purposes within 1000 yards of the coastline. The experience under that law suggests how others of similar intent will fare. Although many changes have been required and there

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is increased cost, considerably delay and red tape, only a fraction of requests for development have been denied.

During 1973, 6,236 permit applications were received by the six regional commissions in the state administering the act. Of this total, 5,191 were granted and 146 denied; the remainder were being processed as of the beginning of 1974. Professor M. Bruce Johnson reports in REASON magazine [July, 1974] that in its first 14 months of operation, the commission he served on approved 95 percent of the applications received for single family dwellings, but granted only 60 percent of the single family *units* requested on these applications. While 77 percent of the multi-family dwellings received approval, only 51 percent of the units applied for were allowed.

The results should be similar in most areas of critical environmental concern. Development would take place, but with less intensity of use and, while there would be more open space, it would be privately owned and not normally accessible to the public. Even if public access to a body of water were required, it is doubtful that many non-residents would avail themselves of the opportunity. It is even questionable that better views would be provided, since the buildings might also have to be aesthetically compromised. Some developers can be expected to try to beat the game by asking for more than they really want—and that would mean that the entire process would accomplish nothing more than waste the public's time and money.

"The proposed controls will accomplish more of what the proponents say they want to prevent; instead of conserving a precious resource, more of it will be misused and wasted."

These restrictions would also lead to increased use of land in other places to provide for the demand for housing or industry that remains unsatisfied. There would have to be other confrontations with environmental objectives since nature, wildlife, scenic or unusual terrain, trees, lagoons might also exist in these other areas. Land supply in and around the critical environmental areas would suffer, reducing competition and pushing prices upward. Similar situations might prevail throughout the general area because land supply might never catch up. The consequences would be uneconomical and wasteful utilization of land.

WHO LOSES?

The results of land use legislation will be particularly harmful to the less well-to-do, since they are least able to cope with higher prices. Political scientists Kenneth Godwin and Bruce Shepard have studied the policies of these states that have adopted land use regulation: Hawaii, Vermont, Florida and Oregon. In a recent monograph published by Oregon State University titled *State Land Use Policies: Winners and Losers,* they foresee dire prospects for the less fortunate members of society:

> The regulatory stalemate which produced the laundry list of goals rather than an integrated set of priorities not only indicates that the accomplishments of state land use planning will be relatively modest, but may also produce a situation in which the position of the lower and lower middle classes will be further weakened as regulatory politics increasingly take on the characteristics of distributive policies. In particular, the availability of adequate housing for these persons may be severely reduced. Unless measures are taken to reduce this trend, the "progressive" state land use policies will further reduce the level of social justice in the society.

Higher prices and unavailability of housing are not the only ways the non-wealthy will suffer. Section 509(d) provides that nothing in the Act shall be construed to "enhance or diminish the rights of owners of property as provided by the Constitution of the U.S. and the constitution and laws of the states in which the property is located." For Howard Hughes that may be comforting. But for the small landowner it is close to meaningless. No matter how wicked and confiscatory a regulation is, a bolt from heaven will not strike it dead. It can only be declared unconstitutional by a court of law, and this means that an owner must be in a position to use costly and lengthy court processes to sue for such a ruling.

The situation faced by affluent owners would be entirely different from that of the less affluent. Consider, for example, the case of wealthy and not wealthy land owners, each confronted with a proposed harsh and probably unconstitutional regulation of their land. From the moment the regulation is even contemplated (just a glimmer in a planner's eye), those financially able will begin employing lawyers and experts to protect their interests. They will be in a far better position to defeat or modify the proposal than those who cannot afford representation and have to represent themselves (if at all), especially where the regulators are located in the state capital many miles away.

If the regulation is adopted, the cleavage between rich and average owners will become even greater. Before owners could obtain court rulings declaring a law unconstitutional, the following must exist or occur:

1. They must have sufficient funds to hire a lawyer to file a lawsuit against the state.
2. They must be prepared to litigate the case in

the state's highest court, for if the state loses in the lower court it would probably appeal. The proceedings may drag on for two to three years, and they will have to spend many thousands of dollars. During this time, the owner will have to continue paying taxes and possibly interest on a mortgage on the land, the amount of which these days may be in excess of 20 percent.

3. They must be willing to risk changing market conditions which may make their hoped-for use unfeasible. Recent events provide an example. Construction that was profitable from 1971 to 1973 was frequently no longer so in 1974 and 1975. There is also risk in possibly incurring the wrath of authorities who may not look kindly in the future on those who sue them.

4. The higher court judges will have to find the law unconstitutional and unless all commercial use of the property has been prevented, there can be little certainty as to how they will decide. It is also possible that the court may find some technical error that will cause it to dismiss the case or send it back for retrial.

Under these circumstances, even the biggest owners, builders, or developers might not consider the filing of such a lawsuit a reasonable business risk. The problem is infinitely greater for those of less means. They may have to settle for give-away sales, await future appreciation or just pray that some day the meek will inherit the earth.

But, it might be said, aren't there organizations prepared to help the ordinary citizen, perhaps the civil liberties groups? Hardly. For property rights would be involved and these groups seem to have read the provision safeguarding them out of the Bill of Rights. Nor, of course, would the public defender be authorized to intercede even though an owner can lose as much money because of government land use restrictions as he or she could from being fined for committing a significant crime.

The big owners and developers have the capability and will frequently defeat regulations. While the state authorities may find it difficult to overcome such people, they will easily succeed against those who cannot fight back. In other words, the law in practice will do exactly the reverse of what is written and intended: It will enhance property rights for some (rich owners) and diminish those of others (average owners).

LOSERS IN INDUSTRY

Construction is one of the most sick and ailing industries in the country today. This is, therefore, about the worst time imaginable to impose a new set of regulations on it, and that is what HR 3510 will accomplish. Already the industry may be among the most regulated. Hardly a nail goes in without numerous governmental approvals.

The bill will cause a large number of rules to be superimposed on a large number of existing rules, and the very least that will result will be confusion and uncertainty for owners and land developers. Every government level will then have a piece of the zoning pie. Land use will be regulated from Washington, from the state capital, and locally. It may be necessary to hire counsel and experts in all three places to determine what the new rules are. Many small builders who cannot cope with such expenses will thus be forced to drop out.

The legislation would operate to impede construction as follows:

1. The bill attempts to restrict development in "areas of critical state concern." Only broad definitions of this phrase are given and much construction may be frozen until the term is finally defined, either by the state or the courts. It is possible that a locality may try to prevent local land from being removed from its jurisdiction by seeking redress in the courts. The legal proceedings would be lengthy and the property unavailable for use while they are going on.

2. The bill does seek to overcome local exclusionary zoning practices by giving the state some authority over a large scale development project and a "development of regional impact." I doubt if this will do much for housing since the bill has an environmental orientation giving priority to limiting rather than increasing development. At the Federal level, authority is vested in the Interior Department whose concerns are more pro-conservationist than pro-development. Moreover, most state legislatures are suburban-rural dominated. Legislators from these areas frequently represent the same point of view as the local politicians who adopt zoning ordinances. It's hard to believe that they will force much development against the wishes of their constituents. Thus, the New York state legislature, as a result of pressure from town and village governments in 1973, stripped the Urban Development Corporation of its power to override local land use regulations.

Moreover, if the state does give its approval to a large scale development, the developer may still face much delay. The locality may sue to stop it and this would prevent construction while the legal proceedings are pending.

PUSHING PLANNING

Implicit in the push for national land use legislation is the notion that new or better urban planning can solve major existing problems of land use. I submit that this premise is wrong. Public planning of land use is erratic, chaotic and largely irrational. It will produce many more problems than it solves. This is clearly the lesson of fifty years of zoning experience in this country. Zoning, like any other regulation of land use, is supposed to be a tool of planning and its history, therefore, has much to tell us about the operation of the planning process.

There is obviously much appeal in the notion that we must have more and better planning. After all, goes the refrain, if we had only planned our cities better, there would be less congestion, no slums,

more beautiful buildings, etc., etc. There is always someone who can describe in exhausting detail some local horror that could have been avoided by: (1) better, (2) stricter, (3) sounder, (4) some, or even (5) any planning. On investigation, it frequently develops that the local planning department had approved that particular horror. The argument continues: do not individuals and corporations carefully plan their activities and outlays? Why then should government not be allowed or required to engage in this selfsame activity?

The simple, yet highly profound answer, is that public land use planning is doomed to failure in a representative society. Public land use planning means or implies an orderly, rational arrangement of or for the use of land for the present or the future, directed or controlled by detached experts in planning.

Although this definition raises many questions, it represents what most people think they are saying when they speak or write of planning. The assumption seems to be that there is something precise, measurable or quantitative about planning or its standards; in other words, that it is, or is comparable to, a science.

"EXPERT" PLANNING

This assumption is exceedingly difficult to substantiate and few of even its most ardent proponents make the effort. Is there some precise measurement available to determine the "best" use of some or all of the land, of growth and anti-growth proposals, of whether the land is better suited for trees, lagoons or the housing of people? Should the land be developed with two, eight or twelve housing units to the acre, or perhaps is it better suited for a mobile home park or shopping center or should it be retained as open space? By now, after fifty years of zoning experience in this country, it should be clear that there are respectable, distinguished and knowledgeable planners who would disagree in many if not most instances to any or all of these alternatives. Planning is unquestionably highly subjective, lacking those standards and measurements that are requisites of a scientific discipline.

To settle any doubts on this score, simply read the record in most zoning cases. Typically, one finds testimony from two planners, one supporting the plaintiff (landowner), and the other favoring the defendant (city). At the trial level, many zoning cases have become verbal duels between planners, each promoting a substantially different position. Accordingly, what goes under the name of planning is an opinion by someone who has studied and is learned in the creation, growth and development of cities. The country's zoning experience raises serious doubts that such training and knowledge provides any special insights, either in evaluating the present or predicting the future.

Planners confront serious problems in fulfilling their responsibilities. Theory and education alone cannot substitute for the actual experience of making practical decisions *and suffering their consequences.* Few planners have ever been part of the construction or development industry, nor responsible for actual decisions in the development of residential, commercial or industrial projects. Even if they once had been, their information about prices, materials, innovations and trends, consumer desires and preferences must necessarily now come from secondary or more remote sources, not directly from the "firing line." How then can planners possibly be as familiar with the need for or development, construction and operation of shopping centers, housing developments, nursing homes or mobile parks as those who develop, own and operate them? Owners and their mortgage lenders risk substantial funds on their success. Yet planners are expected to regulate all of them, which is akin to asking the blind to lead those who can see. Unfortunately for the community, in lieu of solid information, they will tend to rely on their own experience and background, and this inevitably creates hardships and problems for those of different perspectives, tastes and attitudes.

POLITICIZATION

But, regardless of their knowledge, training and abilities, the fact is that planners are not destined to make a significant impact on the regulation of land use. The decisions and controls will be adopted by politicians or those appointed by politicians. They can be expected to and will respond to a variety of pressures and concerns, a principal one being the interests of those who place them and keep them in office. In short, zoning and other land use regulation is and has to be a tool more of politics than of planning.

Consider these limitations on the power of the planner. First, he is a paid employee and cannot be expected to espouse with any degree of consistency policies contrary to those of his employers. The basic rules are established by those elected to govern or appointed to administer. Confrontations are probably rare because a planner is not likely to be hired or seek employment if his basic orientation appears to differ substantially from that of his prospective employers. Planners committed to growth could find life quite uncomfortable in the "no growth" communities. And, of course, the reverse is equally true. Disagreements will occur and be tolerated—within limitations.

Secondly, even if a proposed plan appears to accord with the general desires of the lawmakers or administrators, and its preparation may actually have been commissioned by them, there will still have to be public hearings and debates before it can be adopted. Amendments required for passage can easily change the meaning and impact of the proposed legislation. In practice, the "perfect" plan stands little chance of remaining intact against the opposition of a group of voters or politicians, the pressures exerted by political supporters or contributors, the payment

How do you answer these important questions?

- Is private property theft, as socialists maintain?
- Can the problem of scarcity be solved by redistributing property?
- Has the connection between property and freedom been sufficiently analyzed?
- Are property rights the creation of the state?
- If God is Creator, can anyone "own" anything?
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of graft or perhaps even the voice of the local newspaper. Accordingly, the "perfect" plan is likely to be quite imperfect by the time it emerges from the legislative process, whether it be on a local or higher governmental level, and it might be ravaged still more as administered. And it is possible that the courts ultimately will lay some or much of it to rest.

CHANGE OF PLANS

Nor is the plan or law that is finally passed likely to remain intact very long. From the moment of its adoption, special interest groups such as environmentalists, developers, and civic clubs, will seek to change it to their own benefit. It will never allow enough open space for the many environmentalists hostile to development.

Nor will those who can reap huge profits by changing the regulations sit idly by. They will make every conceivable effort to change the classification on their properties. They will attempt to increase the number of units per acre or change the category from residential to commercial or apartments to industrial, or vice versa. Civic groups, likewise, will sooner or later find the plan wanting in some or many respects.

Many of these pressures are bound to succeed and that superplan will shortly have little more value than as a reference document for the historian. The changes will be made on a piecemeal basis and promiscuously, guided principally by political rather than planning considerations. And that, incidentally, is precisely the description given Los Angeles zoning by a distinguished committee appointed by the mayor of that city.

There is no reason to believe that the same scenario will not recur at the regional or state level, except for a change in the cast of characters, pressures and locales.

Consequently, I submit that control of land use and development through public planning and regulation is akin to performing surgery by a team consisting of faith healers, exorcists and surgeons. While the patient may not die instantly, he may well wish he had.

There may also be a result not fully anticipated by the proponents of state zoning control, and it has to do with graft and personal influence. Graft and corruption have always been factors in local zoning, but the problem is far from universal and there are many municipalities where corruption is nonexistent, such as in the bulk of affluent post World War II suburbs. What will happen if one or two state agencies acquire great power over land use? Incidents have occurred in the past few years in at least a half dozen states involving state officials that do not inspire confidence in the state as a repository of important powers.

Corruption in itself is bad, but it also causes severe distortions in the decision-making process. Once it infects a state agency, many decisions of that agency will be made to compensate for those issued as a result of corruption. Similar results would follow if the board is subject to special influences. Those who do not corrupt and are without influence would suffer detriment regardless of the merits of their case. Enormous distortions could occur on a statewide basis.

A STEP IN THE WRONG DIRECTION

A small step; little impact; a modest proposal.

These are some of the descriptions given the various national land use bills pending last year in Congress. HR 3510 seems even milder than last year's version. Some Congressmen who are usually vigorous opponents of increased Federal powers have been persuaded that the proposed legislation will not appreciably augment the Federal role in land use. They could not be more wrong. The adoption of any legislation in a field where none exists is always an act of major consequence.

Entering a room through a locked door is much more difficult than through one that is slightly ajar. Once regulatory authority has been established, it is far less of a problem to increase that power by subsequent amendments that individually may be minor but in the aggregate produce major changes.

Moreover, it is becoming increasingly evident that there can be little certainty about the importance of any legislation until after it has become law. Remember that modest resolution of Congress under which millions of Americans saw service in Viet Nam? That was the Tonkin Gulf resolution. It was not a declaration of war and contained only six paragraphs; few legislators who voted for it imagined that it would be used by two Presidents as authority to carry on a major war in Southeast Asia.

Unfortunately, there is no way to forecast the effectiveness, cost, and consequences of proposed government regulations. We learn most of these matters after, not before, controls are adopted. By then it is too late; many vested interests have been created and it is very difficult to do away with the laws that were passed.

When one considers all of the land use problems that proponents of the legislation have been able to conjure up, each of the proposed measures is indeed a modest one. Why then so mild a bill? Because, it is frankly acknowledged, only a modest proposal could get through Congress. Hence, even before its enactment, we have already been informed of its inadequacy, and that is how it will always appear to some or many who will continually attempt to enlarge it.

Theirs is the never-ending quest for that Camelot where the sun shines all day and it rains only at night. Unfortunately, in legislating toward that end, history shows they will only create blizzards and storms for the rest of us. ◻

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Introducing Revisionism: an interview with JAMES J. MARTIN

Next month's REASON will be a special issue on the subject of historical revisionism. The critical revision of "official" versions of the doings of states is an important adjunct to the overall battle for liberty. As a preview of next month's issue, and to introduce the subject to our readers, we are pleased to present an exclusive interview with one of America's leading revisionist historians, Dr. James J. Martin.

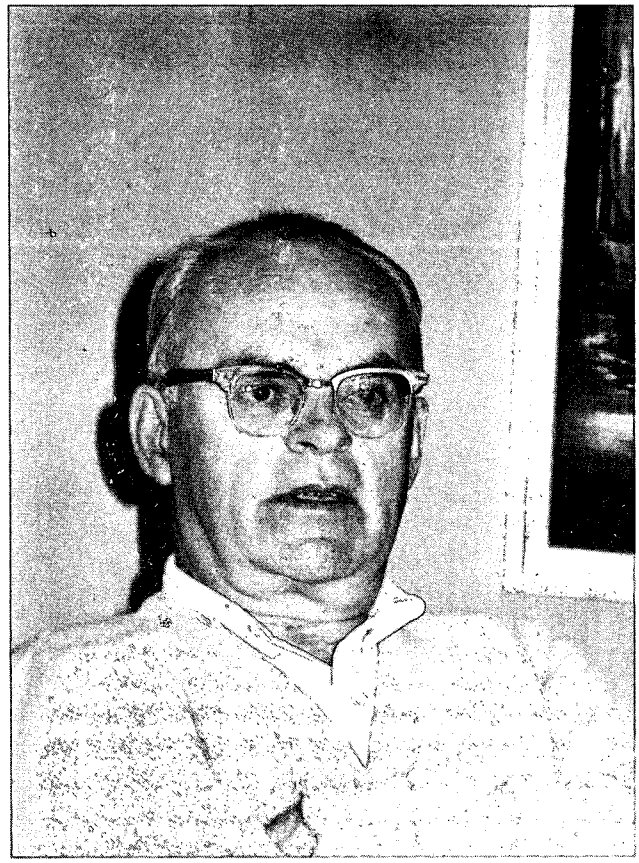
Dr. Martin received his A.B. and M.A. during World War II at the University of New Hampshire, and his Ph.D. in 1949 at the University of Michigan. He has taught history at various academic levels in New Hampshire, Massachusetts, Illinois, Colorado, and California, including six years at Deep Springs, a California college described by Newsweek *as "what may well be the most isolated, obscure, and selective college in the entire U.S."*

Martin's major published works include his now-classic history of individualist anarchism, Men Against the State *(1953),* American Liberalism and World Politics, 1931-1941 *(2 volumes, 1964), and* Revisionist Viewpoints *(1971). He has edited, for modern republication, Lysander Spooner's* No Treason *(1966) and* Letter to Thomas F. Bayard *(1973), and Max Stirner's* The Ego and His Own *(1963). In addition to reviving these classics, Martin serves as general editor of the Libertarian Broadsides series, which has thus far brought out modern editions of Stirner's* The False Principle of Our Education, *John Badcock's* Slaves to Duty, *James L. Walker's* The Philosophy of Egoism, *Benjamin Tucker's* State Socialism and Anarchism, *and Etienne de la Boetie's* The Will to Bondage. *Currently Martin is at work on a study of U.S.-Soviet relations during World War II, to be titled* Hands Across the Volga: American Mass Communication and the Wartime Affair with Soviet Russia, 1941-1947.

Last spring Dr. Martin conducted a two-day seminar on World War II revisionism at the University of Southern California, under the auspices of the James Madison Foundation. At the conclusion of the seminar, he was interviewed for REASON by Steven Springer, Michael P. Hardesty, Peter Kuetzing, and John McCarthy. What follows are the highlights of several hours of fascinating discussion.

REASON: Dr. Martin, what is the relevance of revisionism (or revisionist history)?

MARTIN: Revisionism could be of relevance to almost anybody who's interested in knowing what took place, who's interested in the record, who's interested in some kind of faithful reproduction of events. In other words my interest in this is not necessarily activated by ideological considerations. It's more of a technical interest in getting the record straight. My concern in getting involved in historical matters of this sort is rather complex and is not motivated necessarily by doing good or bringing about a set of better social conditions or an improvement in the race or any long-range programs of that sort. My friend Harry Elmer Barnes was very much so motivated. But I was nowhere nearly as involved in his objectives as I was in his work. We often worked



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for totally different reasons at the same thing. I have no compulsions to save the world or save the human race, to guarantee the safety of the galaxy or any other enterprise of that sort.

REASON: What are the main conclusions of World War II revisionism in respect to war guilt and the responsibility for the Second World War?

MARTIN: Well, they're much like those of the previous war and every other war that's ever been examined by revisionists. There's a tendency to disparage the notion of unique evil responsibility, in favor of the notion of divided guilt, so to speak, the involvement of all the participants, a parcelling out of various factors which suggest that the thing is too complex to be interpreted in terms of a single easily defined cause. That is one of the basic things in any revisionist investigation—to unseat this notion that there is a simple, single-hypothesis operation involved. Revisionists invariably upset the established line with complications of various sorts, with all sorts of jagged facts which don't fit simple explanations. Invariably you make the Establishment, which profits from a single goal in terms of historical orthodoxy, very, very unhappy.

REASON: Why has most historical revisionism, at least as far as American foreign policy is concerned, occurred years after the conflict in question has ended?

MARTIN: It has to, in most cases, because it takes that long for access to the information to be productive. Invariably in cases of a conflict such as a war, the winners obviously write the first account. It sometimes takes a long while before the orthodoxy which the outcome of a war establishes can be broken down either by new facts appearing on the record or the tendency of subsequent generations to look at things from a different point of view and think about things in a different way. The largest part of revisionism can be traced simply to the passage of time. A new generation doesn't see the past in the eyes of the actual participants. They look at it from their own particular angle—and their needs and values and many other related factors are different. So they are not caught in the trap of the contemporaries and frequently can come up with a better explanation of why things were the way they were than can the contemporaries because of their blinders caused by the nature of the involvement to begin with. In some instances it may take centuries before there's a disturbance of the official position. The instance of the Italian humanist, Lorenzo Valla and the disclosure of the forgery of the Donation of Constantine is in many ways a revisionist classic. It was almost twelve centuries before this achievement took place.

REASON: How do you explain, then, the extensive revisionist history that has been written concerning the Vietnam War? It appears to have come out almost contemporaneously with that conflict.

MARTIN: This could be referred to as instant history. It's a product of a new journalistic approach to matters of this sort. It has been made operational because of the incredible revolution in the technology of communications. The invention of instantaneous electronic communications has made possible attention to detail and penetration of the scene to a degree that was never possible in the past. Even the attempt to promote official secrets and certain states of removing the public from access can't succeed indefinitely in blocking off the enormous number of electronic surveillance and snooping possibilities that exist in modern technology. I often wonder what Adolf Hitler would have done with television or even what Napoleon would have done with radio. It is worth considering sometimes!

In the case of Vietnam it hasn't been so much a change in people as a change in the way that the behavior has been recorded. A wide variety of such matters, had they been available in past times, would have resulted in a considerable change in how things took place. What might have been done by the central powers in the First World War with access to the contemporary radio transmitters is worth considering, in view of their loss of the propaganda war because of inability to reach neutral countries as a result of their enemies interrupting their very primitive communications systems. This is just a minor example of the difference between sixty years ago and the modern time. But Vietnam is not really that simple. There are many other factors involved.

"I often wonder what Adolf Hitler would have done with television, or what Napoleon would have done with radio."

REASON: How do you view the historical treatment of the Jewish genocide question during World War II?

MARTIN: Well, genocide as we know it is a word invented in 1943 that deals with a presumably planned extermination of whole populations and it means, as far as I can read it, that if you don't plan exterminations of a group of people it's not genocide. We've had similar circumstances in the past. I don't imagine there will ever be any revisionist history of the Philistines—the entire species seems to have been wiped out according to the Old Testament stories. The genocide idea occurs over and over and over in the Old Testament wars, where entire populations are put to the sword upon the end of hostilities. There isn't any evidence of that in modern times. It has become a political charge which may or may not have validity, but the idea in Raphael Lemkin's definition of the word in his book *Axis Rule in Occupied Europe* in 1943 emphasizes the planned nature of the extermination. One can argue that if an extermination occurred which wasn't planned then it can't be called genocide. So it's an extremely complex matter and very touchy and very emotional for most people involved. It's an easy charge to make today for almost any political reason involving the behavior of a group which is being limited or constrained by anybody anywhere. There are some ridiculous charges involving this word to the point where it's almost lost its meaning.

REASON: Dr. Martin, do you believe (1) that the specific charge against the Nazis of having a mass extermination program of several million Jews is true, and (2) that the Allied atrocities were as great or greater than those of the Germans, from your study of the question?

MARTIN: Well, I never made a head count of all who lost their lives in the War—we've seen a wide variety of statistical materials, some of which have been pulled out of thin air. As a consequence, it's hard to make any kind of estimate of this sort, whether ten more were killed on the one side or the other is not a particularly entrancing subject as far as I'm concerned. Whether allegations can be proven it remains to be seen. I don't believe that the evidence of a planned extermination of the entire Jewish population of Europe is holding up. I have been influenced over the years by the works of Paul Rassinier, and he still has to be reckoned with. His works have been ignored for a long time, and sooner or later somebody's going to have to do a decent job of coping with what he has presented. I think Rassinier's general case is sound at the moment and I haven't seen any strong evidence to upset his allegations or his assertions that there was no planned program for the extermination of European Jews. His other main case is that there were no gas chamber extermination programs. The fact that a great many people lost their lives is incontrovertible —that the German concentration camps weren't health centers is well known—but they appear to have been far smaller and much less lethal than the Russian ones. There are many other distinctions that can be made in an evaluation of concentration camp literature and all the long related barrage of atrocity literature.

I base my views mainly on examinations of atrocity stories from many past wars. The majority of them have not held up under successive decades of investigation. The ones of the First World War were exposed very quickly—most of those were quickly

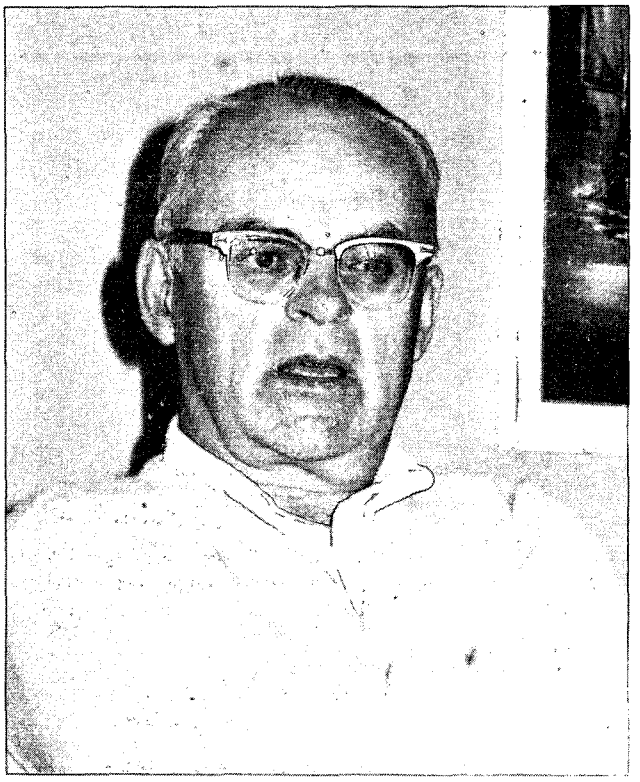
proven to have been inventions. But the political situation that followed the First World War encouraged that sort of thing. The political situation that followed the Second World War discouraged it. We essentially have a power situation today which hasn't changed much in 30 years and as a consequence it has been profitable to maintain a great many of the propaganda stories of the Second World War—they tend to support and hold up the whole structure of postwar politics. This again is an emotional issue of immense proportions and I don't figure it's very fruitful to engage in continued work on it, or wrangling, debate or what have you. To a large extent I'm attempting to attack it from the factual point of view. What can be verified—can go on the record. And the rest I dismiss as propaganda rhetoric.

REASON: For a number of years Rassinier's works haven't been available in English. Are a lot of people afraid to see them come to light?

MARTIN: I don't know who would suffer the most from exposure to Rassinier's objections to the standard line on the concentration camp literature; after all, he was in one or two of them for several months, long enough to get a good idea what it was like. Of course, there is a subordinate aspect of Rassinier's investigations: his charge that at least the German concentration camps were largely run from the inside by the German Communist Party, whose members were the first occupants of these camps and who managed to establish a cadre and control all the significant jobs in the crucial aspects of these camps. The work assignments, food, hospital care—almost every significant aspect in these areas were run by members of the KPD. And Rassinier was not the first person to point that out. One of our own official Army historians, Donald B. Robinson, revealed this as long ago as 1946 with respect to at least two camps which the American Army took over at the end of the war. Who's likely to lose his job or his status for tackling this is another matter altogether. Probably it would be wise for members of the official, conventional, orthodox area to stay away from it. Barnes used to say that the ideal persons to tackle exposures of the excesses of the concentration camp literature producers would have to be either unemployed, retired or terminally ill.

REASON: Many libertarians believe that centralized, socialistic regimes, or more statist regimes such as Nazi Germany or Soviet Russia, invariably induce and cause aggressive wars and that it is the duty of so-called free governments to intervene in order to stop these aggressions, and that revisionism as such is nothing more than whitewashing of totalitarianism. What are your thoughts on this?

MARTIN: Well, the first thing is that I don't bother using the word aggression. I try to avoid it because I



can't define it and if some wish to use this word the obligation is on them to tell us precisely what they mean by it. Committees of the League of Nations met for over 20 years trying to get to an agreement on the word aggression and never did and the committee of the United Nations has been doing the same thing for 30 years, and I don't believe they have come up with a satisfactory definition that will be acceptable to all the member states. So essentially you're left with a political dirty word which is applied to someone who is trying to change something. I'm not referring to a combat on a street where a hoodlum knocks you over the head and steals your purse. That's something far different from the language of statecraft, in which aggression almost always is charged against those who've found that the state of affairs that prevails is unsatisfactory, and lacking any other machinery for bringing about change, initiate some kind of action.

It's all very well to moan and wring one's hands in anguish over this situation. It's obviously to the advantage of someone who doesn't want any change to take place to ascribe some kind of sinister or criminal nature to the action of the individual or let us say the national community or its leaders who are trying to bring about change. John Foster Dulles dwelt on this in an entire book in the days before he became one of our proconsuls aiming at preventing change in the world, but unfortunately for many of the democratic states their history has been a downhill run in an attempt to preserve a status quo that has been changing whether they want it to or not, all throughout the 20th century. It's one of the unfortunate aspects of American policy to be caught almost

all the time trying to prevent change from taking place and most of it we haven't prevented. It's a cheap shot to stand back and refer to those as aggressors who have changed things in ways we don't like and to call the changes aggression. The beneficiaries of the resulting changes don't look on it that way and you're left as a consequence with an unsolved problem—a collision of definitions of terms and a strong possibility of mutual recrimination on the part of two sets of conflicting interests. The philosopher Spinoza used to say that wars were not conflicts between right and wrong but between right and right.

REASON: What do you think of the current school of so-called Cold War revisionism? Such as William Appleman Williams, Kolko, Bernstein and so forth?

MARTIN: Well I've never been completely carried away by it. There is a story there which probably has already been told in too great a degree on the basis of a small amount of evidence that can be located, mainly as a consequence of the stalemate that followed the conclusion of the last big war. What they are doing is trying to construct a story involving

"The German concentration camps weren't health centers, but they appear to have been far smaller and much less lethal than the Russian ones."

complex relations between two big states but having access only to the papers of one side. The inability of the Cold War writers to find any revealing documents of Soviet origin is understandable and predictable. I don't imagine any commissar laying open the vaults of the Soviet Foreign Office in the same way that Trotsky and the revolutionaries of 1917-21 succeeded in doing with the archives of the czar, which had such a profound effect upon the way that revisionist diplomatic history was written on the origins of the war of 1914. There's been no disclosure of that kind from the Russian side and again it's a case where I would not advise anyone holding their breath until it happens. So as a consequence a large part of this writing is inferential and has to be because of the absence of corroboration or incriminating material from the other side which would complicate the picture. So what one gets out of this is again a tendency for a black and white portrayal of the situation. In one sense you might say it's a corrective to a previous story which implicated or indicted the Russians for everything that went wrong and has gone wrong for 30 years or more, but it's easy to go to the opposite situation and on the basis of very little evidence to exculpate the communist policy and to substitute instead the notion that the failure for the situation to improve in the last 30 years is entirely to be lodged at the doorstep of the antagonists of Soviet or communist world policy.

REASON: To play the devil's advocate, considering the fact that the Soviet Union has been invaded at least twice in history, and that Nazi Germany did use the East European satellites as supply bases against the Soviet Union, wouldn't the Soviet Union feel justified in taking over these areas as a security buffer?

MARTIN: You're dealing with an immediate set of situations which may or may not be valid depending on how you want to look at it. If you stand back far enough, of course, you'll observe that the Germans and Russians have been battling over who's going to control Central and Eastern Europe for centuries. Periodically they get together and divide what's between them and things go along quite well for quite a while. From the end of the 18th century to 1914 the Russians and Germans got along quite well. I don't know how that kind of situation is going to be solved. The Russians are there and the Germans are there and that's it. They've got to put up with each other and it's a long-range problem which will stretch out as long as either of the two remain ethnic entities so to speak.

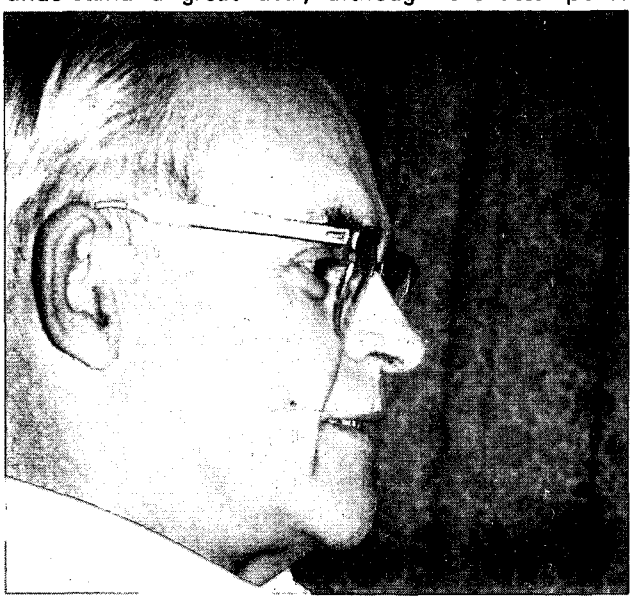
In terms of the immediate temporary situation, I don't know what way to look at the situation without becoming a partisan on one or the other and as far as I'm concerned it's just another episode in a long, long story that stretches back for centuries in the same way that the French and German border struggles resulted in an interminable series of wars between those two states. The tendency, for instance, to abuse the Germans for the recent invasions of France overlooks a long string of invasions of the Germans by the French in the past. Napoleon used the whole country as a sort of a marching parade ground. There are earlier cases of repeated operations led by the French which produced incredible destruction and loss of life in the German area long before it was a national state. So it depends at what point along this continuum you wish to jump in with both feet and make your position.

The Russians in the creation of the Soviet Union have mobilized all kinds of non-Russian people and it appears to me that they're a minority in the Soviet Union—by the time you get through splitting off the various non-Russian ethnic groups that have been mobilized within the Soviet, you might say that the Soviet state itself is one vast experiment in imperialism. What they would do without the Ukrainians and the numerous other non-Russian peoples I don't know. It would be a far smaller community than it is. So again, it's an elaboration of what this word imperialism can be used for. Are they subject to the charge of having been imperialistic in compressing

into their national state all these unwilling minorities? Each of them has a very vocal group over here reminding us of that. The so-called captive nations are endlessly propagandizing in America at specific occasions during the year reminding those who aren't from the Caucasus or Central or Eastern Europe about this fact of life. Whether they are doing anything practical or not is another matter. Again it's a case of not wishing to hold your breath to the point where the Soviet Union disintegrates into these constituent parts again.

REASON: What is your view of history as a field of study?

MARTIN: Well, essentially a history is a narrative—it's an attempt to get a grasp of the past and narrative is the fundamental of it. I don't believe that those who search for universal laws in history help you understand a great deal, although the attempt to



blend in with it a whole bunch of scientific pretensions is still another aspect. To that extent I believe that most historians are going off in a totally different direction and probably are involved in some area of speculative philosophy more than they are with dealing with facts. I'm always sort of entranced with individuals who are searching for model patterns of behavior or laws of behavior or universals of some kind or another which presumably apply to the entire species. It's a kind of adventure that I've never had much taste for. It may in some ways reflect my rather proletarian attitude towards enterprise of that sort. There may be some validity to it. It may be simply a preoccupation of the academic community.

REASON: On another subject, Dr. Martin, among libertarians there's a lot of debate on the subject of natural rights. There are people who believe in them and there are people who say that a natural right is like a natural airplane. Since you've done some study on it when you did your work on Benjamin Tucker and Lysander Spooner would you give us your comments on the idea of natural rights?

MARTIN: Well, of course, Spooner believed there were such things and Tucker didn't. What I did with these people was not necessarily to find some kind of synthesis which indicated that they're all one happy little group—in fact they're a bunch of jagged, diverse people who rarely saw eye to eye with each other on anything. And I didn't come to any immediate conclusions on the subject myself from studying these men except to notice that each of them had a totally different background and different tradition. Spooner was an 18th century man and Tucker was a 19th century man. And they argued from different positions because they were born at different times and listened to arguments which enhanced the position they took. Spooner, born in the aftermath of the American Revolution, and in the generation of the founding of the United States, of course was in an intellectual environment which was immersed with talk about natural rights. Anyone familiar with the rhetoric of the American Revolution can't escape that, which in turn indicates dependence on an even earlier English philosophical tradition which invented the idea of natural rights. So it's understandable.

"You might say that the Soviet state itself is one vast experiment in imperialism."

Tucker was a product of a far later time—two generations removed, really, in terms of biology—who was acquainted with a totally different attitude toward things and grew up mainly with European ideas, many of which looked on the idea of natural rights as a sort of comforting fiction. A religious idea, really. Since it has no anatomical locus (nobody knows where your natural rights are like they know, for instance, where your pancreas is), it involves an ability to deal with intangible things of this sort. They amount to matters that really have no dimensions and I call them religious ideas—there's no challenging them. Someone who supports a religious idea involving the Trinity or Transubstantiation or a number of other religious doctrines is irrefutable, there's no way of proving these things and there's no way of disproving them. If someone wishes to maintain that he has these intangible things called rights, well, what is one to say about it? You can't disprove it—but again there's no way of proving them either.

My own approach is more Tuckerian than Spooner-

ian—I've been much more influenced by Tucker than Spooner on that point. Of course Tucker got very angry periodically in hearing these endless word games; the hair-splitting, philosophical vine-climbing discourses on natural rights. And one day he just blew up in print and said: nobody has any rights, or what is the same thing, everybody has *all* rights and then ended getting involved in the argument. He stopped wrangling over the question of what these things were. One can do a good job in demonstrating that what people call rights are social conventions which tend to be recognized as conveniences which make life more tolerable. Everybody looks around at each other and says, OK, you've got a right to stay alive and I've got a right to stay alive because we're going to mutually abstain from murdering each other.

REASON: You have also talked about the Columbus complex of many libertarians. Would you care to elaborate on this?

MARTIN: I don't believe it's a weakness of just libertarians—it's a weakness of people in general who tend to be overly conscious of their own time and themselves, which is a natural propensity. People like

"I'm for what I call the unassociated, anonymous individual going the way which he prefers by himself."

to think that they are the discoverers of things and there is a feeling of satisfaction from advancing one's notion of having discovered this or discovered that. Frequently it's an indication that you have not spent much time investigating the history of the human race. A large part of what people discover and advance in philosophical and related lines has been mulled over by the race for thousands of years. There's simply ignorance of history—which results in people coming to the conclusion that they have just discovered this or that just by themselves. The term "Columbus complex" was introduced years ago by the Harvard sociologist, Pitirim Sorokin. I acknowledge that, while using the term myself, since I didn't invent it. It's been a bit of common currency in analysis of historical matters, particularly in what you might call the history of ideas. The deeper you delve into things the more frequently you find that they've been rehearsed and mulled over and tossed around many many times before one's time. I don't think it's particularly damaging that this sort of thing takes place. It's a weakness of the young, frequently, and everybody has been a victim of it some time or another. The less you know of what preceded your time the more likely you are to fall into this particular pattern of behavior. It's a sobering thing to discover frequently that someone had your ideas long before you, and that they may have been published in a variety of places by many different people. It's refreshing probably also to recognize that you are part of a tradition.

REASON: In some quarters the opinion is often expressed that only two viable alternatives exist to oppose the creeping centralization that we find today. One of those alternatives is to man the barricades and to conduct active revolutionary activity against the established order. The other is to join in this political process either through the Libertarian Party or through some other organized political activities. What is your view as to these two alternatives, and your view as to whether the alternatives should be limited to just two?

MARTIN: Well there's never just two ways to do anything. There are as many ways as there are people and I would not necessarily become involved in either of the two you mention—I'm for what I call the unassociated, anonymous individual going the way which he prefers by himself. He doesn't have to join

"I've been an unorganizable, stubborn and isolated crank all my life, and discovering there is a literary tradition behind it is a great event."

with anybody. This is an approach that anybody can take and there are as many alternatives as there are people. I don't disparage these other approaches. I don't find them attractive to me and I haven't been involved in organized activities for a long, long time. What I would call the "political self interdict" is probably more common in Europe than here, but it's a tradition I'm familiar with and in many ways I find it far more attractive. I suppose it grows out of my long acquaintance with Stirnerite approaches which stress the anonymous, low-visibility, probably pragmatic or opportunist way of dealing with things. In this instance the motivating factor is survival! I don't find these others conducive to survival, at least as far as I'm concerned—I suppose that has the major part to play in the choice I make.

REASON: Would you regard "active violation of the law" to be a viable alternative in opposing the state?

MARTIN: It can be. It depends on the price you pay for it. And how it's done. Obviously a great many laws are violated all the time by people who don't publicize their behavior. I wouldn't necessarily go out on the street corner and bare my breast to the

muskets of any established order just to demonstrate that I'm willing to defy their edicts. I'm for minimum compliance with anything that's been established as the correct behavior and I'm willing to let it go that far. We see thousands of violations of traffic laws and other minor legislation. The people involved probably aren't conscious of it or think about it as a program they have worked out in advance, but that happens to be what is going on. As far as publicizing such behavior, there again I run into a barrier on grounds of unworkability. I don't believe in preparing a manual so that someone can pursue me—what I call gratuitous self-exposure. Most of these things involve such private matters that I don't believe there's any profit in investigating them, at least with people who are circumspect to recognize this and believe that their behavior is their own business.

REASON: What first sparked your interest in individualist anarchism? Was it a person or a book?

MARTIN: Well it's hard to pinpoint any particular catastrophic event that started it. I probably recognized my sympathy with ideas of that sort because it's simply a part of me, the way I've always been. I suppose I've been an unorganizable, stubborn and isolated crank all my life, and discovering there's a literary tradition behind it is of course a great event. But I can't think of anything specific other than a long period of exposure to these people, one by one.

REASON: One more question. Your ideas on the libertarian temperament are somewhat unorthodox among libertarians. Would you care to state what they are?

MARTIN: Well, I don't think they're original with me. But my attitude that seems to disturb the majority of people is my insistence on the biological and genetic basis for the substance of philosophic and ethical views and that's not something I invented, it was something I was exposed to years ago in the writings of the woman radical named Voltairine de Cleyre. She wrote to this effect around the turn of the century—a very much neglected and overlooked lady revolutionist and thinker of great importance in this country. I'm amazed that nobody's discovered her recently. Voltairine de Cleyre advanced the notion that at bottom, if you kept going down to the bottom, in an attempt to search out the reason for the existence of this or that individual attitude towards ethical, philosophical and related questions, you got back down to a biological basis—what she called temperament—which was not capable of being understood or measured by any kind of rational approach; and that it was a genetic factor.

I mulled over that for a long, long time and am still doing so and am applying it everywhere I can. I can't find any way to crack her case, and as a result I've adopted it. It explains my attitude of casual lack of interest in propaganda tactics, in the hopes of maximizing the existing number of libertarians. In this I've been influenced by additional forces, including the whole circle of Ernest Armand in France in the 1920's and 1930's who mulled over the problem themselves to a great extent, wondering why the ranks of libertarians increased so slowly, if at all. And it has dawned on me over the years that Voltairine de Cleyre explained why—that there's a problem of the inability of the genetic process to produce libertarians in any larger volume than exists.

In looking over the scenery a little more closely I didn't see any evidence that persuasion by way of literature, conversation, preaching, psychic intimidation, nor any other known device, had maximized the number of such people and that in almost all cases in which it was reported by individuals that they had gone through some magical transformation from whatever they were to some libertarian position, all they had done was to find out what they really were. They had come to such conclusions as a result of self-exposure so to speak—they had revealed to themselves what they really were and had not gone through any conversion at all. They were psychically conducive to that attitude, as a matter of temperament. They had been inhibited from such awareness for a variety of reasons involving all kinds of things ranging from religious or home pressures or various other things which prevented them from taking wing.

"I'm satisfied that the ranks of libertarians will always be small."

Now it would be pleasant for me to adopt a contradictory position and believe that by the expenditure of a lot of money and a great deal of exposure to literature and much eloquent talk we would suddenly convert all the totalitarians and authoritarians of the world into libertarians. And I would suggest that before that happens, as Krushchev said, you will probably hear shrimps whistle. The process of conversion is futile.

Therefore, I'm satisfied that the ranks of the libertarians will always be small, that they will probably be in about the same ratio to the total population as they are now, and I'm satisfied to contemplate that situation without developing suicidal tendencies or becoming morose, depressed or anything else. It happens to be a fact of life and I'm ready to put up with that and I will change that view when I have some evidence for it. In my own lifetime I haven't seen one scrap of evidence to the contrary.

REASON: Thank you very much, Dr. Martin. ◻

CALIFORNIA GOLD 1849-65

CARL WATNER

In 1844 Lysander Spooner, noted pamphleteer, asserted that the power of Congress "to coin money" did not override any natural right on the part of individuals to issue and use their own money. Said Spooner, "Provided individuals do not 'counterfeit' or 'imitate' 'the securities or current coin of the United States,' they have a perfect right, and Congress has no power to prohibit them, to weigh and assay pieces of gold and silver, mark upon them their weight and fineness, and sell them for whatever they will bring in competition with the coin of the United States" (*The Unconstitutionality of the Laws of Congress Prohibiting Private Mails,* 1844, p. 18). Article I, Section 8 of the Constitution provides that "The Congress shall have the power ... To coin Money, regulate the value thereof, and of foreign Coin ...." Section X of the same Article provides that "No State shall ... coin Money ...." Since Amendment X reserves to the states (except where an express prohibition exists) or to the people "the powers not delegated to the United States by the Constitution," it is clear that individuals are not enjoined from manufacturing their own coinage.

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The numismatic history of the United States during the 19th century demonstrates that private coinage did in fact exist for a number of years in different locales. As early as 1840 the Director of the Mint, in his report to Congress, referred to one C. Bechtler who operated a private mint in Rutherfordton, North Carolina in competition with the U.S. mint at Charlotte. The Mint Director could take no legal action against Bechtler for he observed: "It seems strange that the privilege of coinage should be carefully confined by law to the General Government, while that of coining gold and silver, though withheld from the States, is freely permitted to individuals, with the single restriction that they must not imitate the coinage established by law" (E. H. Adams, *Private Gold Coinage of California, 1849-1855,* 1975, p. xi).

The tradition of private coinage which existed until at least the end of the 19th century has all but died out in the 20th. Yet the tradition itself is interesting, as it is unique in the history of our country. Private issues of gold coins and ingots were the dominant media of exchange in California until at least 1855. The almost complete absence of paper money, coupled with the traditional use of gold coin, led to rejection of the Federal greenbacks in that state during the Civil War. To relate the history of money in California and its significance for us today, in view of the recent legalization of gold ownership, are the objectives of this article.

EARLY CALIFORNIA

The history of American California, encompassing as it does the development of an almost primitive society into a civilized state, is interesting in its own right. American settlement began in California as early as 1841, and by 1846 there was extreme agitation for making California an American territory. U.S. forces occupied California during the Mexican War, and in 1848 Mexico ceded all of its claims to California to the United States. Gold was discovered in January 1848 and the Gold Rush, as we know it, began in the fall of that year. Military government lasted until October 1849, at which time a state convention created a constitution and made a formal request for admission to the Union. Meanwhile government on all levels barely existed: there was no formal law, there were no jails, immigration to the gold fields progressed unimpeded, and the military strength of the Federal government was relatively weak. Finally, in September 1850, California was accepted as a state and the struggle began to establish formal government. Communication with the East was difficult until the telegraph reached the state in 1861, and transportation remained a problem even after direct rail connection was made with the East in 1869.

The requirements of the early mercantile community in California, especially of San Francisco businesses, led directly to many of the events in which we are interested. According to Federal law in effect in 1849, all custom duties due the United States were payable in lawful United States coin. Accordingly, every piece of coined money which existed in California was hoarded to pay import duties and the normal channels of trade suffered from a shortage of coined money. At first gold dust was used as a substitute for coined money, but the military governor discovered that the law regarding duties could only be satisfied by a tender of coins, whether gold or silver. Thus gold coins eventually came to command a premium over gold dust since they were desperately needed at the Custom House. Since the supply of coins was so limited, it was suggested by members of the mercantile community that private assayers issue gold pieces to fill the need. The first suggestion to this effect appeared in July 1848, and by early 1849 private issues were struck. The private issues enabled the miners to get more coined money for their gold dust and allowed a greater number of coins to circulate in general trade.

COMPETITION IN COINAGE

The first private gold coin was probably issued by the firm of Norris, Gregg, & Norris and was followed, during the summer of 1849, by strikes from the assay and gold brokerage business of Moffat & Co. At first gold dust was assayed and formed into rectangular ingots with the firm's name, the fineness (in carats) and the dollar value appearing on the bar. Shortly thereafter a $10 gold piece, struck as a circular coin, was issued by Moffat & Co. By the end of 1849, a virtual avalanche of private issues had found circulation in California, including minting work done by the Mormons in Salt Lake City, by J. S. Ormsby & Co., and the Miners' Bank.

The coins with which the early Californians had to do business soon fell into disrepute, as it was discovered that their intrinsic value did not always match their stamped value. The Mormon coins, which only contained $17 worth of gold in a $20 piece, soon ceased to circulate, as did many of the other private coins. The holders of such pieces had to sell their coins at bullion value and pocket the loss. Moffat & Co., whose pieces were always worth at least 98 percent of their stamped value, continued to issue coins in 1850, at which time there also appeared new issues by Baldwin & Co., Dubosq & Co., and by Frederick Kohler, the newly appointed state assayer.

ENTER GOVERNMENT

By April 1850 the coin situation had come to the attention of the state legislature and during the same month laws were passed which prohibited private mints. Simultaneously, to fill the demand for coined money, the California legislature created the State Assay Office, which was responsible for assaying gold dust, forming it into bars, and stamping its value and fineness thereon. The State Assay Office is unique because it was the only establishment of its kind ever

operated in the United States under the authority of a state government, and because its issues were so closely allied to that of gold coinage it is questionable that it did not violate the constitutional clause against state coinage. The State Assay Office was soon superceded by the U.S. Assay Office, which was established by Federal statute on September 30, 1850. Moffat & Co. became the contractor for the U.S. Assay Office and began operations in this capacity in February 1851. A month later the state prohibition on private coinage was repealed, since well over a million dollars' worth of gold had been privately coined in the first quarter of 1851 alone, so great was the demand for bars and coin.

Although Moffat & Co. became associated with the U.S. government as its assay contractor, they always recognized the right of private persons or firms to issue their own gold coins. In responding to criticisms leveled directly at them during the passage of the state prohibition on private issues they stated: "We aver that we have violated no law of the United States in regard to coining (our own) money; that we have defrauded no man of one cent by issuing our coin; that we have in no instance refused or failed to redeem in current coin of the United States all such issues without detention or delay, and we hold ourselves ready now and at all times hereafter to do so. . . . We hold ourselves responsible for the accuracy of our stamp, whether it be upon bullion or in the forms of ingots or coin. If there be error the party aggrieved has his remedy at common law" (Adams, pp. xi-xii).

Moffat & Co. was apparently the most responsible of the private concerns minting money, for in April 1851, the businesses of San Francisco placed an embargo on all private gold coinage except issues by Moffat. The remainder of the private issues were soon sent to the U.S. Assay Office to be melted down or else were passed only for their bullion content in trade. Under the directive establishing the U.S. Assay Office, slugs of not less than $50 were to be issued. Such ingots were too large for normal trade and soon a demand grew for coins of smaller denominations. Moffat & Co., as contractor for the U.S. Assay Office, requested authority to issue such coins. Since this authority was not forthcoming, in the end Moffat & Co. bowed to the demands of the merchants and minted such coins under their own authority and mark.

The situation worsened in 1852, when the U.S. Customs House refused to accept the $50 ingots issued by the U.S. Assay Office. Although these slugs were issued under the direct authority of the Federal government, their fineness was only that of average California gold, perhaps 884/ to 887/1000 fine. A new federal law required that all custom duties be paid in gold coinage of the fineness of standard U.S. coins, which was 900/1000 fine. Therefore the Treasury Department instructed its agents not to accept the issues of its own Assay Office, until these issues met the required fineness. The Washington authorities did not seem to recognize the ridiculousness of their decision, which not only disparaged their own issues, but practically denied the merchants any circulating medium at all. Eventually the controversy was settled by having the Assay Office conform to the higher fineness.

The Federal mint, which had long been agitated for in California, went into partial operation in April 1854. Within a few years it satisfied all the demand for coins. Until it went into full-scale operation, however, the demand for circulating coins was met by the issues of such private concerns as Kellogg & Richter, Kellogg & Humbert, and Wass, Molitor & Co. At the end of 1855 it was estimated that there was still some five to eight million dollars' worth of private coin in circulation. In the summer of 1856 coin was needed in San Francisco for export purposes, and both the issues of the U.S. mint and private coins were used to meet this need. By October 1856 the Federal mint was apparently able to meet all demands for coins in domestic circulation and for export, so that private issues of gold coin quietly passed out of existence. There is no record of any further private minting in California after this time.

CALIFORNIA'S ANTI-PAPER TRADITION

Although paper money found circulation in the East, at no time before the Civil War did banknotes play a substantial part in the circulating media of California. Between the cessation of private issues and the outbreak of the Civil War, the Federal mint in San Francisco continued to satisfy all demands for coins. This tradition of handling gold and silver coinage in California was buttressed by the provision of the state constitution which expressly prohibited the creation of any (paper) credit instruments designed to circulate as money.

The metallic coinage of the Californians had provided them with a remarkable prosperity and stable purchasing power. Therefore, when as a result of the Civil War the Federal government issued legal tender notes in 1862, Californians were faced with the prospect of handling paper money for the first time. Acceptance and use of these new "greenbacks" (which had no gold backing, only the general credit of the government behind them) became a subject of public debate in California. Objections to the new currency concerned its constitutionality and the likelihood of its depreciation in terms of purchasing power.

Creditors were particularly fearful that their interests would be hurt as it would be possible for debtors to repay their loans in depreciated currency. At first this is exactly what happened, as can be seen from the grievance of a Sacramento financier:

> About four years ago (1859) I loaned $10,000 in gold coin of the United States to John Smith of Sacramento City, for which said Smith

executed to me a note, in the usual form, bearing interest at the rate of one and one-half per cent per month. This note I placed in the hands of my bankers, D. O. Mills & Co., Sacramento, with instructions to receive and receipt for the interest as it accrued thereon, and also to collect the principal at maturity. In January last (1863), Mr. Smith called at the banking house ... and tendered $10,000 in greenbacks in payment in full of the note executed to me, knowing that the said notes were not at that time worth more than 68¢ on the dollar. ... (My bankers) refused to receive the tendered greenbacks without consultation with me, and, moreover denounced the conduct of Mr. Smith as unfair in the extreme, at the same time reminding him of the fact that he had received the whole amount in gold coin. After a conference more protracted than pleasant, Mr. Smith offered to pay $10,000 in greenbacks and $1,000 in gold coin, which proposition, rather than be a party to a tedious and expensive lawsuit, I assented to. ... As it is, I am loser to the amount of $2,200, allowing 68¢ on the dollar for greenbacks; and at the rate they are now selling—and I still have them on hand—my loss is about $3,500 (B. Moses, *The Quarterly Journal of Economics,* Oct. 1892, p. 1).

However, there were those who favored introduction of the legal tender notes in California. Loyalty and patriotism to the Union were advanced as the chief reasons. Some thought that a refusal by the people of California to use the currency of the Federal government would be tantamount to secession. Others felt that the greenbacks would act as a stimulus to business, and hoped to profit from the speculation inherent in their use.

GREENBACKS IN SAN FRANCISCO

Since the Federal notes continued to lose purchasing power, the commercial elements in San Francisco realized that a definite stand had to be taken on the use and acceptance of the greenbacks in local transactions. Businesses that had contracts with the Federal government were hard hit by the inflation, as they had expected to receive gold coin for their work and instead were paid in paper of a lesser value. Federal employees also found themselves at a serious disadvantage in receiving their wages and salaries in depreciated money, while their expenses were counted in gold. In November 1862 the merchants of San Francisco attempted to counter the use of greenbacks by effecting an agreement among themselves "not to receive or pay out legal tender at any but market value, gold being adhered to as the standard. The plan was to have this agreement signed by all the leading firms of the city; then to have it signed also by all other firms, both those in the city, and those in the country who had dealings with the

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As early as July 1862 questions raised by the circulation of the greenbacks had received attention in the courts. A case was brought before the Supreme Court of California during this month which sought "To compel the defendant, as tax collector of the city and county of San Francisco, to accept from the relator $270.45 in United States notes, tendered in payment of State and county taxes assessed upon his property for the present year. . . ." The tax collector had refused to accept the tender of paper money, claiming that his duty was to accept only "legal coin of the United States, or foreign coin at the value fixed for such coin by the laws of the United States." The court judged in favor of the tax collector and thus prohibited the payment of taxes in greenbacks.

At the same time the State Treasurer pulled off an ingenious financial coup by taking advantage of depreciation of the paper currency. The plan was to collect the Federal direct tax in coin and pay it into the U.S. Treasury in legal tender notes, saving the difference for the state. This "earned" the state the sum of $24,620, but the action was almost universally condemned. The moral attitude of the San Franciscans on paying their debts in depreciated money is well illustrated by the fact that the interest on the City's municipal bonds was paid in gold at New York, rather than in legal tender notes. To pay in depreciated notes was considered beneath the dignity of the city and a real violation of the faith pledged with the holders of the bonds abroad.

"Although paper money found circulation in the East, at no time before the Civil War did banknotes play a substantial part in the circulating media of California."

Although Californians could continue to own gold the very existence of the legal tender law created a general feeling of insecurity. The merchants of San Francisco were determined to remain on the gold standard and they were encouraged by the decision of the court in favor of the tax collector. In order to keep the business of the state on a gold basis, however, it became clear to the merchants that legislation must be had to enable the parties to a contract to enforce the collection of the kind of money which had been specified in the contract. They had at first attempted to agitate for exemption of California from the Federal legal tender law, but their resolution to this effect in the state legislature was postponed indefinitely. Later, resolutions were introduced in the legislature to obtain relief for those working for the Federal government by having them paid in gold coin. Nothing was gained by the discussion of these resolutions except to arouse the ire of advocates of the greenbacks.

GOLD VS. PAPER: CONTRACTS

These legislative maneuvers, even if they had been successful, would not have accomplished what was needed to keep the state on a specie basis. Slowly people realized that, where there were two different types of money in circulation, legislation was needed to make it possible to enforce contracts in either paper currency or metallic coinage, as provided for in the contract. Advocates of such legislation held that "contracts fairly made in view of all the circumstances ought to be enforced. If, then, contracts are made specifically to be performed by the payment of gold, it seems to us to be a duty on the part of the legislature to provide the remedy for their enforcement. Common honesty cannot refuse this."

The legislation which accomplished this objective was approved on April 27, 1863. By amending the procedures in civil cases, writs of execution or judgment on a contract or obligation for the direct payment of money in a specified kind of money or currency had to be fulfilled by the same kind of money or currency that was specified in the original contract or obligation. This came to be known as the Specific Performance Act or Specific Contract Law, since it voided the requirement of the Federal legal tender act and substituted the provisions of each contract for purposes of determining what kind of money was to satisfy a debt. In the discussion that led to the passage of this bill in the state legislature it was pointed out that there was no mention of gold or silver in the law itself. The law simply let freely contracting parties choose the means of payment between themselves. Formerly there had been no legal means to enforce payment of gold coin on a contract or debt, even though it had been specified as the means of payment. A man owing $100 in gold could pay it with $100 of legal tender notes, even if $100 in notes would only buy $50 in gold coin. Now a creditor could seek justice. Supporters of this legislation were not entirely antagonistic to the use of legal tender notes, but they saw no reason to compel acceptance of paper money at an artifically enforced value. The law did not discriminate between the two types of money, but it enabled the parties to make contracts understandingly and upon equal terms, regardless of whether they chose gold or paper as the means of payment.

Any opposition to the Specific Contract Law which may have existed was disarmed by a State Court decision of July 1864, which upheld the act as

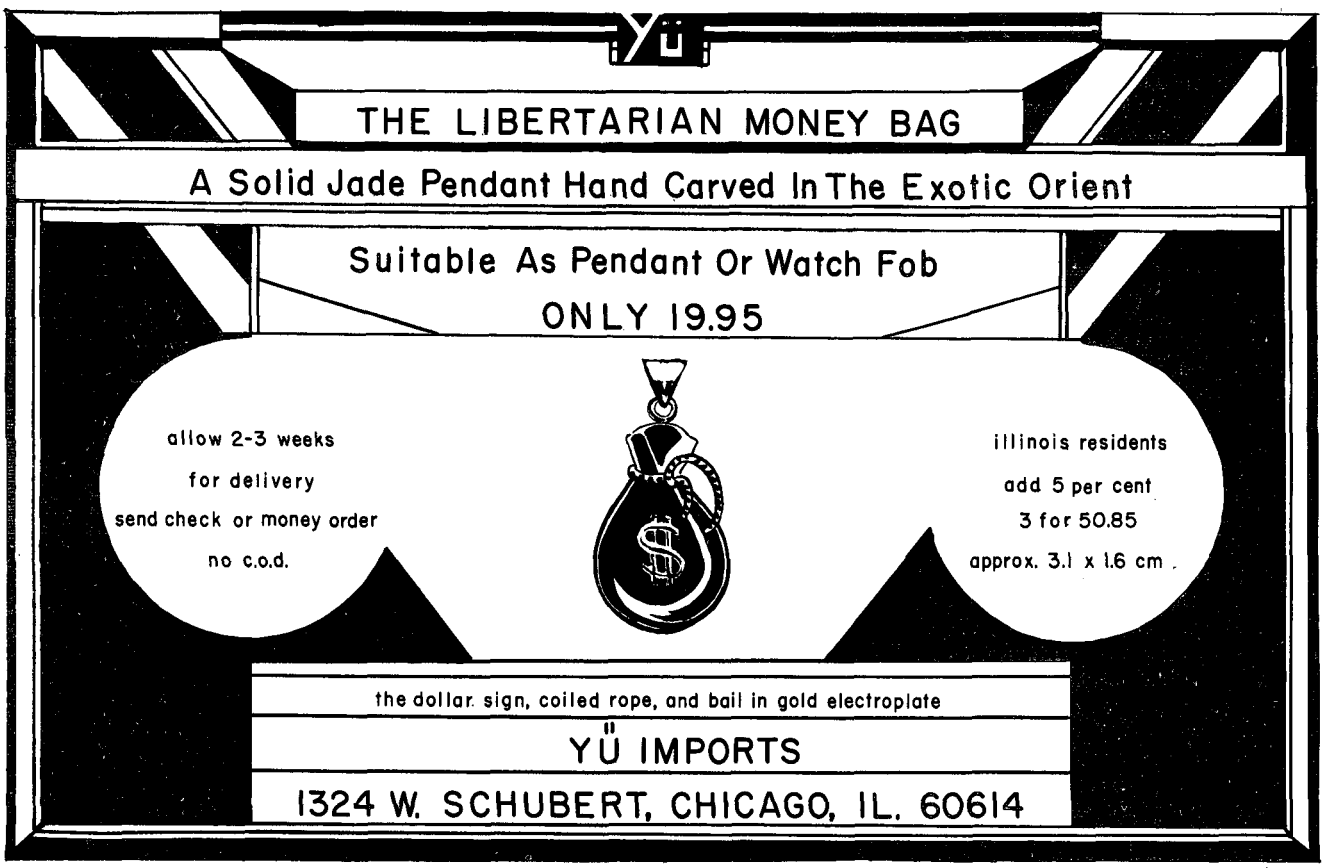
constitutional. It was ruled that the specific contract to pay in gold was more than a contract merely for the payment of money, but went to the extent of defining by what specific act the contract should be performed. The court noted that,

> A contract payable in money generally is, undoubtedly, payable in any kind of money made by law legal tender, at the option of the debtor at time of payment. He contracts simply to pay so much money, and creates a debt pure and simple; and by paying what the law says is money his contract is performed. But, if he agrees to pay in gold coin, it is not an agreement to pay money simply, but to pay or deliver a specific kind of money, and nothing else; and the payment in any other is not a fulfillment of the contract according to its terms or the intentions of the parties (25 Cal. 564).

The Specific Performance Act was also held to apply to contracts made before its passage. In an action brought before the court to enforce gold payment of a note which had been executed before the passage of this legislation, it was held that "where laws confessedly retrospective have been declared void, it has been upon the ground that such laws were in conflict with some vested right, secured either by some constitutional guarantee or protected by the principles of universal justice." But this act "takes a contract as it finds it, and simply enforces a performance of it according to its terms," and is not changing the relations of the parties to the contract. The Specific Contract Law was also used to enforce payment under agreements "to pay a specific sum in gold coin or upon failure thereof, to pay such further sum as might be equal to the difference in value between gold coin and legal tender notes." As the San Francisco Chamber of Commerce noted in 1864, the Specific Contract Act "simply enforces the faithful performance of contracts. It enjoins good faith, a principle which lies at the very foundation of public prosperity, and without which there can be no mutual confidence, no progress, no credit and no trade. . ." (Moses, p. 24).

PRIVATE COINAGE OUTLAWED

Apparently the Federal government took little or no notice of the actions of the Californians during the Civil War. In fact the Specific Contract Law remains on the California statute books (as Section 667 of the Calif. Code of Civil Procedures) and has never been changed by California legislation. And it was not until 1933 that the federal government took any action to abrogate this state legislation (by outlawing gold clause contracts). However, as early as 1861 the Secretary of the Treasury realized that private coinage was a danger to the government's own prerogatives. Between 1860 and 1862 the firm of Clark, Gruber & Co. was engaged in the manufacture of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their own coins from their mint in the city of Denver. Here again, the demand for a circulating medium was satisfied by private means before the government was able to act. The Clark, Gruber coins were of high quality and always either met or exceeded the gold bullion value of similar United States coins. In a period of less than two years this firm minted approximately three million dollars' worth of coin. Their mint promised to outdo the government's own production, and to get rid of them, the government bought them out in 1863 for $25,000.

Such private competition with the Federal mints led to an amendment of the coinage laws of the United States which prohibited private coinage. By an Act of Congress, on June 8, 1864, it was ruled:

> That if any person or persons, except now authorized by law, shall hereafter make, or cause to be made, or shall utter or pass, or attempt to utter or pass, any coins of gold or silver, or other metals or alloys of metals, intended for the use and purpose of current money, whether in the resemblance of the coin of the United States or foreign countries, or of original design, every person so offending shall, on conviction thereof, be punished by fine not exceeding three thousand dollars, or by imprisonment for a term not exceeding five years, or both, at the discretion of the court, according to the aggravation of the offence.

"They were not entirely antagonistic to the use of legal tender notes, but they saw no reason to compel the acceptance of paper money at an artificially enforced value."

It was not until after 1870, when Federal bank charters were granted to banks in California, that banknote circulation gained any real foothold in California. The entire history of California money up until that time supports the observation that "the more efficient money will drive from circulation the less efficient if the individuals who handle money are left free to act in their own interest." Thus in the early period the Moffat coinage, because it was consistently of higher quality, won out in the struggle among private issues. Since there was no legal tender law compelling people to use the coins of a particular company or mint, that money which best satisfied the people was most often used. Issues of questionable fineness were either rejected, or valued at bullion value and returned to the melting pot. Wherever the government failed to provide sufficient coined money private firms and private individuals soon filled the void, so long as they were not prevented from doing so by law.

WISE CALIFORNIANS

The latter period under discussion, dated from the beginning of the Civil War, more closely resembles our own monetary situation today. The period was one of government inflation, caused generally by the budgetary strains of war. Issues of legal tender notes caused prices to rise, and between 1860 and 1864 prices doubled in the northern states. The rate of interest was appreciably affected in California due to the uncertainty of having debts paid off in greenbacks. Nevertheless, Californians avoided much of the government inflation by adhering to the gold standard and enacting the Specific Performance Act. Their main objection to the legal tender notes was to using them at an artificial value enforced by law. This realization defeated the purpose of the Federal government (or debtors who chose to cancel their debts with such notes) since their object was to obtain goods and services on a compulsory basis at an undervalued price. Since the power of the Federal government did not reach as strongly into California as into the North, people there were able to avoid the compulsory aspects of the tender law and value the government notes as they saw fit. (It is interesting to note that in San Francisco both paper and gold continued in use until 1914. With the outbreak of World War I the Federal Reserve Bank was desperate to put a stop to the handling of gold. By allowing the banks to pay only in $20 gold pieces when payment was demanded in gold, $5 and $10 pieces were gradually removed from circulation, and thus the effective base of gold handling was undercut.)

As Davis Keeler has pointed out in these pages ("Gold Clauses," REASON, Dec. 1974), the recent legalization of gold ownership cannot be the full solution to our monetary problems. Although Californians never lost the right to own or trade in gold, the Federal government had a stranglehold over the gold standard by creating the legal tender law. Business in California was stymied until the Specific Contract Law circumvented the legal tender law. Similarly, so long as the legal tender laws remain on the government's statute books today, all debts (regardless of the provision of the individual contract) must be satisfied by a tender of government paper. Even if contracts should be written which specify payment in gold coin, or gold bullion, or which are indexed according to a gold clause, our government still reserves the right to abrogate such contracts as being contrary to public policy. As this historical survey has made abundantly clear, what is required is not only the right to own gold or any other monetary metal, but also repeal of the legal tender laws and their replacement by the enforcement of all monetary obligations in terms of the specific performance doctrine. ◻

SELF HELP: AN ALTERNATIVE TO FOREIGN AID

ASLAM EFFENDI

The people and governments of almost all the so-called underdeveloped countries have one very important tool—the beggar's bowl. These countries look to the more productive countries to give them aid, to spoon-feed them. Interestingly enough, there is a tribe in Pakistan, known as the Toors, who have been experimenting with self-help for nearly a century and a half, in the face of unimaginable political hurdles.

Who are the Toors? Where do they live? How do they manage their affairs without government aid? Why do they refuse government handouts? These and similar questions are the subject for this brief article.

The Toors are a branch of the White Huns who ransacked the Indo-Pakistan subcontinent in the fifth century A.D. They are known as the Rajputs in this part of the world and the Toors are a subdivision of this mainstream of Rajputs. Some of the Toors became Moslems, others fell under the influence of Hinduism and Sikhism. I'm not a professional anthropologist or historian, but this is briefly what I have been able to gather about their historical background.

The most interesting thing about the Toors is this: *they have refused to accept government aid as far as possible, despite the fact that they live in the heart of a government-administered area and have been living so for over a century.* The homeland of the Toors, numbering about 2,500 people (in 1968, when I visited the area), consists of 1, 500 acres. It is situated on the Jaranwalla-Shorekot railroad, some 35 miles south of Lyallpur, Pakistan. The area is known by the local people as Jogdadu Toor. The Toors are an honest, simple folk, their chief occupation being farming. Each individual tries to be as productive as possible.

For centuries the area now occupied by the Toor tribe was a forest, completely uncultivated. Most of the members of the tribe had camels and earned their livelihood by transporting goods. Then the British conquered the Indo-Pakistan subcontinent and offered the Toors "free" lands, which now comprise their area of approximately 1,500 acres. This was a sort of reward in lieu of the camels they placed at the command of the British colonists for transporting various items.

Since land which the Toor tribe got from the British colonists was completely barren, they worked many years to make it productive. Among the leaders of the Toor tribe two personalities stand out: Shah Muhammad and Mian Baqar. Shah Muhammad fought hard to prevent the Toor tribe from coming under the influence of the British colonists and their formal government. The other personality, Mian Baqar, was a religious divine.

As Shah Muhammad was dead, I called on Mian Baqar, age 80, in 1968. A man with a high arched nose, deep penetrating eyes, red hair and beard, Mian Baqar is a slightly built man. He looks every inch a revolutionary and scholar. He is the head of a private school.

PRIVATE EDUCATION

"We thought a school was most necessary for our tribe," Mian Baqar said to me, "because when education is controlled by the government, then the people become mere *pithus* (stooges). The bureaucrats have been making repeated efforts to build a government school at Jogdadu Toor, but we have refused it. After tremendous pressure, the government has built a school but nobody patronizes it. We wanted to have our own public school, free from bureaucratic interference, so that our tribe is saved from official brainwashing. So we decided to buy

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some 12 acres of land for the school and appointed a committee of seven members to collect funds and decide about the way the funds were to be spent. Sufficient funds were collected, the premises were purchased, and the school was built," Mian Baqar said to me with a twinkle in his eyes.

When I visited the area, the school had 11 teachers and over 100 students, who came from all over Pakistan. Food, clothing, and shelter were being provided to all students without charging them a penny. The school library had some 3,000 books, some costing over $100. The teachers at the Toor tribal school are more dedicated than teachers in government schools in the adjoining areas.

Mian Baqar said to me repeatedly and emphatically, *"We thought of having our own private school just to avoid becoming tools in the hands of corrupt politicians whose only objective in life is to use our people for their own personal benefit."*

So much for the educational side of this community. The Toors also provide funds and charity for orphans, cripples, the blind, poor students, girls who cannot find husbands, poor widows, for the poor needing medical aid, for wayside wells for travelers, for roads, bridges, pathways, irrigation channels, mosques, etc., etc. All these facilities are provided *without a penny in aid from government!*

EVEN A PRIVATE POST OFFICE

A post office is a very important thing, and the government decided to provide this facility to the Toor tribe. The Toors welcomed the idea but insisted that a member of their tribe, a private individual, would run the post office on behalf of the government; that this man, holding the rank of postmaster, would be paid by the tribe and would not accept any salary from government. The leaders of the Toor tribe reasoned that a post office run by a private individual belonging to their own tribe could provide their community with the following benefits: the members of the Toor tribe could get envelopes, postcards, aerograms, etc., on credit, a facility not offered by the usual government post offices; the privately paid postmaster would see to it that he had always regular supplies of envelopes, postage stamps, etc., unlike government post offices; the privately paid postmaster would maintain secrecy in correspondence and not censor mail as do official postmasters; the privately paid postmaster would keep stocks of postage stamps, etc., at his house and would supply to members of the tribe even at midnight should they need it.

The Toor tribe settles all sorts of disputes by private arbitration—even murder. Only one percent of such cases now go to the formal courts, but those who take their problems to government are looked down upon by the Toor tribal community. As the police and formal courts prosper on crime and bribery, the peaceful Toor tribal community is a cause of much concern to the bureaucracy. The police and bureaucrats refer to the Toor tribe as *buzdils* (cowards) because they do not indulge in crime often and so are not a source of income to the magistrates, lawyers, and their hangers-on.

GOVERNMENT INROADS

When the Toor tribe was originally given their present land in exchange for their transport services to the British colonists, it made no difference to the British because the land they offered to the Toors was totally barren. For many years thereafter the British collected no taxes or revenue from the Toors for the lands were not a source of much income. But over the years the Toor tribe worked hard and made the land productive. This attracted the British revenue officers to the area, but they reasoned that if they directly collected revenue from the tribe, it would cause much resentment, so they gave high-sounding titles and other benefits to some of the Toor tribal chiefs and in return expected them to collect revenue from the tribe on behalf of the British government.

The members of the tribe paid the revenue without any fuss as they thought this was some sort of nominal rent to the British colonists who had provided them with land gratis, and also as payment for irrigation facilities. Of course, the usual system of taxation would have been resented had it been collected through official channels, as the Toor tribe has always been suspicious of government. The British rulers made desperate attempts to corrupt the Toors and make them dependent on government political handouts, but the tribe and some of their honest leaders tried to keep away from all this fraud.

But it was in the time of Field Marshal Ayub Khan, a former president of Pakistan, that the Toor tribe was advised to elect their member to the basic democracies. The membership entitled the elected person to political benefits. As a result, a rift took place in this peaceful and self-respecting tribal community, for who doesn't want to get easy money and importance.

At present the Toor tribal system still continues along almost the same lines as I witnessed when I visited the area in 1968, but for how many years, it is difficult to predict. The politicians and bureaucrats are making efforts to break up this system of self-help and to institute helpless dependence on government handouts. The politicians and bureaucrats fear that this system of self-help might spread to other areas and thus interfere with their power, income, and glory.

How do the Toors, a small community of hardly 2,500 souls (in 1968) manage to run so many projects within an area of hardly 1,500 acres—and without a penny from government?

PHILANTHROPY, NOT WELFARE

Yes, they have a way—perhaps the most novel method in the world devised by people to solve their

economic problems. In every home in the Toor community a cloth bag hangs from the ceiling. Twice a day the women put a handful or more of flour (depending on their economic standing) into the cloth bag, in the process of baking bread. *But all this is voluntary and done in the name of Allah.*

After a week, a representative of the *bait-ul-mal* (common treasury) collects this flour. During the year thousands of pounds of flour are collected, converted to cash, and spent on projects of common interest such as roads, bridges, education, health, irrigation, orphans, widows, those who can't afford medical aid, etc. Additionally, one-tenth of the whole produce of cotton and food-grain, known as *ushur,* is also *voluntarily* deposited in the treasury to be employed on projects of common interest.

And if funds run short for any project which is of general interest to the tribe, the elders or chieftains have only to set a reasonable target and announce it by loudspeakers. Then the productive elements of the tribe (eager to donate in the name of Allah and win for themselves a place in paradise or *janat*) come forward and donate generously, either in cash or kind, and this is over and above what they offer in the shape of flour, food-grains, or *ushur.* Some of the members of the Toor tribe donate camels, cows, goats, horses, buffaloes, sheep, etc. Women contribute by offering ornaments, jewelry, etc.

Once, I learned, funds were required for a certain project, so the members of the Toor tribe cut one tree from every square of land—and the average price of a tree being $10, this came to a pretty good amount.

The Toors are staunch Moslems and religion provides a tremendous incentive in this social order. Each Toor tribesman tries to be as productive as possible so that he may contribute to the common treasury. Each Toor tribesman also hopes to provide as much charity as possible so that he may have the blessings of Allah and a rich life in the hereafter. For instance, Chaudhri Sanatte Khan, a Toor chieftain, donated some five acres of his personal land to the school in the hope that Allah would reward him in the next world.

"I am surprised to see your small community, confined within a tiny space, undertaking so many projects without any government aid," I told Chaudhri Ishaq Toor, a youthful member of the tribe.

"Not surprising at all," he replied. "What actually surprises the Toor tribe and myself is the financial difficulties the government faces all the time, despite all the taxes, etc., collected locally, not to speak of huge foreign aid. Maybe some wicked *jinn* is busy stealing all this colossal money from the *khazana* (government treasury)," he chuckled. ◻

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BASIC RELAXATION AND EGO-STRENGTHENING PROGRAM

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Branden

"Sometime ago, Nathaniel Branden told me about a new cassette program he had developed. He had wanted to develop a cassette, he explained, that would have a number of beneficial effects on the listener: it would produce feelings of deep relaxation; it would teach the listener how to produce relaxation in himself; it would teach him how to keep calm and composed under conditions of pressure and stress; it would promote feelings of physical well being. If played in the morning, it would have an energizing effect; if played at night it would insure a deeply relaxing sleep. In addition, the cassette would strengthen feelings of self-confidence and self-acceptance.

"After a long period of experimentation he had the cassette produced, and the results, he said, has been extraordinarily gratifying. An overwhelming number of users found that the cassette worked for them. It enjoys a high rate of success with insomnia cases. Actors, actresses and athletes have reported that as a consequence of playing it before job interviews and competitive, high-stress situations, it keeps them much calmer and aids them in turning in a high level of performance. Further, a number of people have reported the disappearance of psychosomatic symptoms (such as headaches and pre-menstrual tension) after working with the cassette. Two physicians are currently experimenting with the cassette to see if it can bring down high blood pressure.

"Branden pointed out that to achieve the best results, the cassette should be played at least once a day, preferably twice, for a month and then when and as desired to reinforce the tape's effects. He made me a present of the tape and suggested that I try it.

"The results were better than I had anticipated. It is not easy to explain how and why the cassette works the way it does—subtle and sophisticated psychological processes are involved—but, at least for me, its beneficent consequences were unmistakable. Some of the principles on which the cassette works are familiar to me from my reading of Branden's and other books in the field of psychology. But I had never come even remotely close to achieving the results that this cassette produced for me. Essentially, the results were as Branden had described them . . . I found myself able to remain much more relaxed under pressure and to face deadlines and exams with a much more calm and confident attitude than before. Futhermore, the cassette program seemed to act like a magnifying lens on my powers of concentration.

"The cassette is not a lecture but a psychological experience. It should be listened to when one is alone, lying down or sitting comfortably with eyes closed. One should follow Branden's words without straining or forcing. If listened to in this way, if one really gives oneself to the experience, the results are very exciting, especially after a number of repetitions. Very highly recommended."

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AUDIO-FORUM

foreign correspondent

OH HENRY: MURMANSK—OR THE PRICE OF DÉTENTE

Tjome, Norway. In September one of the most expensive tennis matches ever was played at Bastad in Sweden; a Davis Cup match against Chile triggered a storm of indignation against "junta-Chile." During the match 1,500 policemen were mobilized in order to hold back the demonstrators (among whom appeared Sweden's former prime minister, Tage Erlander). The public was not admitted; only a token crowd of police and carefully screened press men were allowed to watch the match, which Sweden won. Dear as the victory may have been to the *aficionados* of the white sport, it was certainly expensive for the Swedish taxpayer. The lack of revenue and the unusual costs gave a net loss of Swedish kroner 5.2 million—or well over $1.1 million.

A couple of weeks later Sweden played Czechoslovakia in another round of tennis. Not a murmur of protest was heard throughout the kingdom of Sweden.

Mysterious are the ways of moral indignation.

So what, the reader may ask, isn't this just another example of sickening international double morality? It is indeed, and I am not going to moralize about it. International double morality is a fact, and there is no sense in arguing against facts, however mysterious or repulsive.

But facts have consequences, and we all—diplomats, politicians and plain people—adjust to multiple morality by consciously or unconsciously accepting that the evils of the socialist countries are somehow justified by the nobility of Marxist ideas, whereas the ills of the Western world are manifestations of the intrinsically evil nature of capitalism. Particularly the leaders of small nations know damned well that there is considerably more displeasure to be incurred by protesting against something-or-other within the Soviet orbit than within the American. This is unfortunate.

Small nations usually have to bend the way the wind is blowing, not because they are more opportunist than big nations, but because small nations are much more aware of the fact that there is no historical inevitability in their existence as independent states. In fact even today after the mushrooming of "national independence" there are (my guess!) still more nationalities living as mere "minorities" than as full-fledged nation-states. You see, the brutal lesson of history is that while big nations may suffer defeat, small nations may suffer extinction.

I have noticed that it is very hard for citizens of bigger and more powerful nations to understand what this means. It means that mere survival, which is not uppermost in the minds of the leaders of the big nations, is a conscious foreign policy consideration in the minds of the leaders of the small nations. It has to be. And when international morality is rewarding being nice to the Soviets, you have *ipso facto* a built-in bias against the U.S.

And now I get to the point, which is NATO. The way the small nations get around their survival problem is by making powerful friends and entering political and military alliances. Norway is a member of the North Atlantic Treaty Organization, and so far there has been a great deal of grass-roots support for the membership. But though there is no definite sign that the support is waning, NATO is beginning to seem sort of irrelevant to many people. How has this come about? Certainly Norway, which has a border in common with the Soviet Union, is no less but more than ever at her military mercy; certainly the Red Army is no less formidable; certainly the Russian passion for a *cordon sanitaire* along her borders is as strong as ever.

Well, it is happening not because the Soviet Union is becoming less of a problem, but because NATO and the U.S. seem less of a solution. There is a price to be paid for everything, even for Henry Kissinger's policy of détente, and part of the price, I guess, is that small nations all over the world are adjusting their sights for survival. They will not jeopardize it by opposing the Soviet Union (or China) if the U.S. cannot or will not guarantee it.

Of course Vietnam has something to do with it. But not as much in the form of reproach and blame against the U.S. as in the form of the realistic appraisal that certainly not for another 20 or 30 years will the U.S. commit its soldiers to the ground defense of another, small country. This the small countries know, and don't blame them too harshly for acting accordingly.

For Norway the present situation is unpleasant. In the first place when you are a small nation with a border in common with the Soviet Union, you are easily convinced of the necessity for a military defense. In the second place, while the Scandinavians may be very critical of their welfare states, they prefer their social democratic frying pan to the communist fire.

Détente is (or is taken to be) the successor to the cold war. It is really nothing of the sort. The cold war has never ended; all that happened was that the West got bored with it. That is the trouble with détente.

Just as the cold war in the end seemed futile, because it seemed to point to nothing better than a showdown between the U.S. and the U.S.S.R., so détente is driving us all up a dead end, into the silly illusion that there is ground for loving coexistence between East and West, between the U.S. and the U.S.S.R., between communism and capitalism. But no such common ground exists except on communist premises.

DULLES VS. KISSINGER

That is why I keep seeing the spectre of John Foster Dulles looming at the end of the tunnel of Henry Kissinger's détente. Diplomatically John Foster Dulles looks like an amateur next to Henry Kissinger, whose performance is almost flawless. But Dulles had a point of logic on which nobody so far has faulted him, but which made him widely unpopular. The point is that if the West accepts the basic Soviet premise that no piece of communist territory is negotiable, whereas the rest of the whole world is—then sooner or later the Western world will be driven up against the wall, leaving the U.S. with only the alternatives of war or surrender. So—Dulles talked about "rolling back communism" or "going to the brink of war" and scared the wits out of many, and became an easy target for one of the most consistently venomous campaigns ever directed on a global scale against a U.S. Secretary of State.

But let's be clear about it: Dulles was shouted down not by logic, but by Western wishful thinking. Kissinger, on the other hand, rides very cleverly on wishful thinking, not on logic. But for the leaders of many nations, particularly the small ones, wishful thinking is not enough; it simply does not guarantee survival. As the policy of détente inexorably works itself out to its bitter end and the SALT talks drag on and on and on, smaller nations are beginning to worry about whose piece of territory is the next in line to be

(concluded on page 41)

viewpoint

DEFAULT NOW!

When I published *Man, Economy, and State* in 1962 there were two positions that I took, which—though occupying only a few sentences in the book—provided enough of a shock to many conservatives and even libertarians to damn the entire two-volume work. One was my pro-blackmail stand (or rather, anti-anti blackmail), of which more some other time. The other was my call, following the late libertarian theorist Frank Chodorov, for the repudiation of government bonds. Little did I know that that lonely and seemingly absurdly unrealistic stand should now be in the course of coming true—at least for New York City, and possibly for other states and localities as well. Of course, mere default on one or more debt payments is scarcely total repudiation, but it is surely a giant step down that path.

There are two classes of objections to default or repudiation: moral and economic. The moral argument holds that, after all, the government agreed to a contract with the bondholders, and that it is a libertarian truth that contractual obligations ought to be obeyed. That is all very well, but it errs in making a moral absolute out of redeeming any and all contracts, regardless of what kind of contracts they might be. Suppose, for example, that A and B enter into a contract to commit a crime—murder or robbery—against C. Are we to say that both A and B are morally bound to carry out their contract? But this would be nonsense, since the contract is for criminal ends, and is therefore not only immoral but also criminal and invasive of individual rights to begin with. The only moral, noninvasive course for either A or B, then, is to *break* that contract forthwith, so as to refrain from committing an act of crime.

But I submit that this is precisely what has happened with contracts for government debt. The individual or firm who buys a government bond is buying an anticipated share in the return from criminal loot, i.e. from the massive robbery and expropriation known as taxation. To say, therefore, that the government must be duty-bound to redeem its debt to bondholders is to advocate increasing expropriation of the taxpayers, and hence aggressive violation of their property rights. The bondholders are eager participants and investors in the crime of taxation, and deserve no tears shed about their "expectations." Default, repudiation will teach these people a salutary lesson: never again to participate as voluntary investors in the crime of taxation. Perhaps they will learn some libertarian principles through hard experience.

Economically, it is easy to see that default will have several immediately beneficial effects. First, the absurd process of throwing debt after bad debt into the rathole, of pouring the state's credit down the drain with New York City's, of endangering pension funds, will stop short once default arrives. It is also easy to see that New York City will be forced, at long last, to slash its profligate spending and live within its budget. But the big economic argument is the "domino effect"—that default by New York City will endanger the credit of *all* states and cities throughout the land. So much the better if it did! What a wonderful thing the domino effect would be; throughout the land, indeed, city after city, state after state, would have to cut their budgets drastically, would have to live within their means, would not be able to turn to the bond and money markets for deficit financing. Those of us who want to desocialize America, should *rejoice* at the prospect of destroying the credit of state and local governments.

Another bonus from that destruction would be to alleviate the growing "shortage" of private capital in America, a scarcity aggravated by inflation and by the draining off of private funds into the unproductive and parasitic government sector. The forced withdrawal of states and cities from the bond market would free private capital for truly productive private investments, which would add to the standard of living of everyone.

Conservatives have been pretty good about opposing Federal aid to New York City, seeing that the result would be an enormous expansion of Federal expenditures, and a grave impetus to Federal-caused inflation. But they have not seen the moral and economic glories of general default, because, being conservatives rather than "radicals," they are all too content to hold the pass against further statization, rather than opt for a drastic rollback in the State Leviathan. And that is why libertarianism must be radical rather than conservative in order to succeed. ◻

MURRAY N. ROTHBARD

Murray Rothbard is professor of economics at the Polytechnic Institute of New York. Dr. Rothbard's viewpoint appears in this column every third month, alternating with the viewpoints of Tibor Machan and David Brudnoy.

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FCC ROLLBACKS

The stranglehold that the Federal Communications Commission exerts over U.S. broadcasting may be loosened in the years ahead, if recent events are an accurate indicator of changing sentiment. Increasing criticism of FCC regulation of program content is being heard from such sources as the Office of Telecommunications Policy (OTP), the FCC itself, the Federal Trade Commission, members of Congress, and television performers.

First, John Eger, the OTP's acting director, has proposed legislation allowing the FCC to partially deregulate radio broadcasting in the top 10 markets. The bill would suspend enforcement of the Fairness Doctrine and FCC regulations on program format and percentage of programming versus commercials. Eger proposes a five-year test of the plan, with a report to Congress on the results. The OTP is proposing a *legislative* approach in order to avoid excessive court wrangles if the FCC attempted to carry out the experiment on its own authority.

But earlier the FCC's chairman Richard Wiley proposed to do just that: discontinue enforcement of the Fairness Doctrine in large radio markets, on an experimental basis. He is also supporting proposals by Sen. John Pastore and Rep. Torbert MacDonald to suspend the equal time rule (Section 315) for presidential and vice presidential campaigns. In a speech to the International Radio and Television Society Wiley noted that even with "no governmental oversight," an extensive range of viewpoints would be presented in large cities due to the large number of radio stations.

This point has been stressed by FTC chairman Lewis Engman, who has called for total abolition of the Fairness Doctrine, for both radio and TV, in all markets, on a permanent basis. "The average American probably has access to at least eight radio stations, two newspapers, all the magazines he can carry . . . and at least seven TV channels," Engman argues, making the scarcity argument ludicrous. More importantly, Engman has pointed out that the Fairness Doctrine is a blatant violation of the First Amendment's free speech and free press guarantees. He notes that when broadcasters must weigh the prospect of carrying enough opposing viewpoints to be "fair," they may choose to ignore an event or even a whole issue. Thus, the Doctrine "becomes a prior restraint," which is not encouraging but is *discouraging* the broadcast of diverse views. As for the argument that the FCC should regulate program content because the public owns the airwaves, Engman retorts that "the government can, with equal logic, claim the right to regulate the content of newspapers and magazines because they are delivered over publicly owned streets or through the publicly owned post office."

Finally, even TV performers are getting in on the act. Mary Tyler Moore, Carroll O'Connor, Alan Alda, and a number of producers, directors, and scriptwriters have filed a Federal suit challenging the FCC's "family hour" rule as a form of censorship. The suit filed by the Writer's Guild, Director's Guild, and Screen Actor's Guild names as defendants the FCC, the three networks, and the National Association of Broadcasters.

SOURCES:
- "Radio Deregulation Bill Being Drafted," AP (Washington), Oct. 7, 1975.
- "Two Changes Urged in FCC Political Rules," Sander Vanocur, *Washington Post,* Sept. 17, 1975.
- "FTC Chief Raps Fairness Doctrine," *Los Angeles Times,* Oct. 30, 1975.
- "TV Figures Join in Suit Over 'Family Hour' Rule," UPI (Los Angeles), Oct. 31, 1975.

NEW LIGHT ON FEDERAL BUDGET

It is not just New York City that engages in funny-money bookkeeping that conceals its true financial condition. According to Arthur Andersen & Co., one of the country's largest CPA firms, the Federal government's actual 1974 deficit was 30 times larger than what was reported by the government. And if modern corporations kept track of their costs and revenues the way most American governments do, company officers would be hauled off to jail or the firms would end up bankrupt.

The Andersen firm analyzed fiscal 1973 and 1974 Federal financial affairs, developing a corporate-type income statement, balance sheet, and cash flow report. The study took six months and involved six Andersen accountants. According to *Business Week* the study raises major questions about how the Federal government keeps its books. For the first time, the study collects in one place the results of all Federal operations, including "off budget" agencies and trust funds. Also, it uses accrual accounting rather than the obsolete cash basis which the government still uses. This enables taxpayers to see clearly not merely the current year's income and outgo, but also the future commitments that are not funded out of current revenues. One example: the $95.7 billion charge that Andersen shows for 1974 for accumulated retirement and disability benefits ($75.1 billion for Social Security and $20.6 for military and civil service retirement and benefits).

Andersen's analysis of the "national debt" is especially revealing. Starting with the 1974 official debt figure of $486 billion, the study first subtracts out the portion held by other government entities to obtain a net debt outstanding with the public of $263 billion. But to this are added a variety of other liabilities: $93 billion in Federal Reserve liabilities, $50 billion in accounts payable and accrued liabilities, $19 billion in other liabilities, $299 billion in retirement and disability benefits, and $416 billion of accured Social Security contingencies, for a total of $1.14 trillion in Federal liabilities. On the other side of the balance sheet are only $329 billion in assets: $18 billion in cash and equivalents, $11.6 billion in gold (at the official $42.22 rate), $86 billion in receivables, $50.6 billion in stockpiles and supplies (at cost), $147 billion in property and equipment (at cost less accumulated depreciation), and $15 billion in deferred charges and other assets. Restating the value of some of these assets to a more realistic basis—e.g. gold at $150 per ounce and Federal lands at market value rather than cost—would add some $53 billion to the asset figure. Even with this change, if the Federal government were liquidated, its assets would cover only 33¢ for every dollar of liabilities. Clearly, the Federal government should let the taxpayers, and its bondholders, in on the true picture.

SOURCES:
- "Overhaul of Federal Bookkeeping Urged," *Chicago Sun-Times,* Sept. 22, 1975.
- "If the U.S. Kept Books the Way a Business Does," *Business Week,* Sept. 29, 1975, p. 74.

MAKING THEM PAY

Aid to Families with Dependent Children (AFDC) accounts for a large portion of today's huge welfare bill. And one reason there are so many needy, dependent children is that some 2.6 million parents (mostly fathers) have abandoned their children, leaving them to be supported by the taxpayers. Since it has been estimated that some 1.3 million absent parents could and would pay child support if there were strong enforcement programs, Congress has enacted the Child Support Enforcement Law as Title IV-D of the Social Security Act. The National District Attorneys Association (NDAA) has mounted a large-scale effort to assist local prosecutors in setting up enforcement programs to track down absent parents.

The new law requires every state government to have a specific program to enforce support obligations owed by absent parents to their children. It provides that a parent requesting AFDC payments must cooperate in identifying and locating the absent parent, in order to be eligible for assistance. It requires interstate cooperation for enforcing support obligations.

Further, one provision of the law waives sovereign immunity, allowing the Federal government to be sued to enforce support obligations, thereby enabling garnishment of wages or benefits of military and civil service personnel who have abandoned their children.

A recent study of child support enforcement programs carried out by Arthur Young & Co., found that typically these programs are highly cost-effective. The five programs in three states that were studied by the company all collected more money than they cost to operate (including all indirect and "external" costs). A typical program reviewed by Arthur Young returned $9.13 in collections for every dollar of direct program expenditures; when all other costs were included, it still returned $5.05 for every dollar expended. This favorable benefit to cost ratio held true over all 10 years studied. Thus, child support enforcement appears to be both moral and practical.

SOURCES:
- News release, NDAA Project on Child Support Enforcement, Oct. 1, 1975.
- "Cost Effectiveness of a Child Support Enforcement Program," Arthur Young & Co., 1975.

IRS UNDER THE GUN

Thanks in part to Watergate-era disclosures of the police state methods employed by the IRS, a number of actions aimed at reforming the agency are under way. A bill cosponsored by Rep. Charles Vanik and Sens. John Tunney and Warren Magnuson would clamp a number of restrictions on the way the IRS operates. The Federal Taxpayers Rights Act of 1975, if passed, would create an ombudsman-like office of taxpayer services, with agents stationed at IRS field offices to aid taxpayers. The ombudsmen could halt IRS action for up to 60 days if they found a taxpayer was "suffering from an unusual, unnecessary, or irreparable loss." The bill also provides for the following:

- The IRS would have to provide taxpayers with detailed pamphlets outlining their rights and duties in various types of IRS proceedings.
- All IRS investigations and surveillance not directly related to tax law enforcement would be prohibited, with both criminal penalties and civil damages available as remedies.
- Taxpayers subject to jeopardy assessments and other seizure procedures would be given time to seek relief in Federal District Courts before any seizure could take place.
- The GAO would be given broad powers to monitor and investigate IRS performance, something GAO does not now possess.
- Rules permitting IRS tax data to be shared with states and other Federal agencies would be tightened.

In a related move, Rep. Steve Symms has introduced a bill to eliminate the IRS's paid informer program. The bill would repeal Sec. 7623 of the Internal Revenue Code, under which the IRS pays bounties of up to 10 percent of the amounts collected to persons who inform on their neighbors. Last year the IRS made $468,000 in bounty payments to informers, whose identities are kept secret from those they accuse.

Despite the IRS's gestapo tactics, a large number of people are evading some or all of their taxes. The agency estimates that five million people illegally failed to file returns in 1972, and 40 percent of all who do file understate the amount of taxes owed. Of the latter group, 97.5 percent are never asked for the additional money, because the IRS figures it would be too expensive to collect. These figures come from a 1973 IRS study, made public only last summer as a result of a suit filed by Mr. & Mrs. Philip Long under the Freedom of Information Act. The IRS kept the study secret because it feared that disclosure would encourage additional tax evasion.

SOURCE:
- "Taxpayers May Get a Friend at IRS," *Los Angeles Times,* Sept. 21, 1975.
- "IRS Informant Program Hit," Steve Symms press release, Oct. 22, 1975.
- "IRS: Cheating Is Easy," *Moneysworth,* July 7, 1975.

AIRLINE DEREGULATION PROGRESS

The Administration's long-awaited bill to partially deregulate commercial aviation was submitted to Congress in October. Its passage would be a major step in opening the industry to competition, breaking up the present cartel-like structure. Fundamentally, it would change the CAB's legislative mandate from one of promoting and protecting the airline companies to that of "maximum reliance on competitive market forces and on actual and potential competition to provide the needed air transportation system." Over a five year period it would phase out most of the present rules prohibiting new airlines from entering the industry, phase in much greater latitude by airlines in choosing which routes to serve or abandon, and provide a gradually widening "zone of reasonableness" within which fares could be set by the carriers without CAB approval. It would also make it possible for supplemental (charter) airlines to engage in scheduled service, and make it easier for scheduled lines to offer charter service. And it would increase the size limits of aircraft which unregulated commuter airlines could operate, thereby making possible a considerable expansion of this segment of the industry.

Reaction to the bill was interesting. Sen. Edward Kennedy announced that he would "work with the Administration in a bipartisan effort to improve and enact this important legislation." CAB chairman John Robson cautiously endorsed "some responsible remolding of the structure" of airline regulation, while the Air Transport Association (the industry trade association) bitterly denounced the bill for "adversely affecting . . . the welfare of 300,000 airline employees, millions of shareholders, investors holding billions of dollars of airline debt . . ." etc. Several airline presidents gave speeches denouncing the bill, as well. Congressional hearings on it are scheduled for January in the Senate Commerce Aviation Subcommittee, chaired by Sen. Howard Cannon.

Meanwhile, the CAB's Bureau of Economics, anticipating the bill's eventual passage, recommended that the Board adopt zone of reasonableness pricing freedom for air freight rates. Air freight company reactions ranged from "scary" to "simple and logical." Most airline managements see the air freight proposal as a test run for future application to passenger fares.

In another related move, the Administration disingenuously announced its regret that British Secretary of State for Trade Peter Shore has recommended withdrawal of British government permission for Laker Airways' low-cost ($180 round-trip) Skytrain transatlantic service. The plan was approved by the British government in 1972, but has been held up for three years by the CAB's initial stalling, its 1974 recommendation to the White House to disapprove the service, and the president's subsequent inaction. Laker, however, thinks it has enough support in Parliament to overrule Shore's ruling, which would put the ball back in the CAB's court. It would be an interesting test of the sincerity of Washington's new support for airline competition.

SOURCES:
- "Ford Would Curb U.S. Regulation of Airlines," *Los Angeles Times,* Oct. 9, 1975.
- "Deregulation Support Rises in Congress," *Aviation Week,* Oct. 13, 1975, p. 26.
- "Freight Rate Zone System Urged," *Aviation Week,* Sept. 29, 1975, p. 21.
- "Freddie Laker's Shuttle Is Alive Again," *Business Week,* Nov. 3, 1975, p. 83.

MILESTONES

- *Communications.* The U.S. Supreme Court has let stand an FCC ruling that for the first time permits other companies to compete with American Telephone and Telegraph and Western Union in providing long-distance communications services, both voice and data. One of the competitors, MCI Telecommunications Corp., is already advertising "Competitive Long Distance" service, claiming to save businesses from 15 to 60 percent on their long distance bills if their monthly call

volume is $1000 or more. Customers include such firms as Chrysler, Emery Air Freight, B. F. Goodrich, E. F. Hutton, Lever Brothers, Pillsbury, and REA Express. (Source: "At Last, Competitive Long Distance," *Los Angeles Times,* Sept. 18, 1975)

• *Antitrust.* The efforts of the FTC to restructure the soft drink bottling industry have been ended by the ruling of an FTC Administrative Law Judge. In its 1971 complaint, the FTC sought to force Pepsi Cola and Coca Cola to cease granting exclusive licenses to their bottlers, alleging anti-competitive effects. But Administrative Law Judge Joseph Dufresne ruled that such agreements actually promote competition by protecting the territories of many small bottlers, thereby helping keep them in business. (Source: "Judge Dismisses Coke, Pepsi Suit," UPI (Washington), Oct. 8, 1975)

• *Garbage.* The Citizens Budget Commission of New York City has estimated that using private garbage collectors instead of the Sanitation Department would save the city's taxpayers $77 million a year. The Commission is urging the mayor to experiment with three or four one-year contracts with private refuse firms, to obtain comparative cost data. WCBS/FM recently endorsed the proposal. (Source: "Private vs. Municipal Garbage Collection," WCBS/FM, Oct. 2, 1975) ◻

This column reports trends in the advancement of individual liberty and the rediscovery of economic freedom. Readers are invited to submit material of potential interest.

book review

THE POWER BROKER: ROBERT MOSES AND THE FALL OF NEW YORK. By Robert A. Caro. New York: Alfred A. Knopf. 1974. 1162 pp. $17.95.

Reviewed by HOWARD MC CONNELL

Robert Moses, when asked to provide some patronage jobs for a state Senate Finance Committee Chairman, listened attentively to the catchpoll's recital. His reply was characteristic of his attitude toward petty politicians in particular and New Yorkers in general: "Jerry, you can take that bill and stick it up your ass."

We have no record of the senator's physiological response; we do have a graph of the anal impaction that confronts New York traffic flow as it attempts excretion from Manhattan to the outlying boroughs on Robert Moses' bridges, Robert Moses' tunnels, Robert Moses' highways—an attempt to escape from the drabness and terror of a Robert Moses housing project, to find a few fleeting hours of relative privacy in a Robert Moses state park. The toll on the spirit which is subtracted from a New Yorker's commuting life is paid in material tribute to an agency of Robert Moses.

In *The Power Broker,* Robert A. Caro documents the life of Robert Moses in the context of six New York mayors, six governors, seven presidents, and thousands of city, state, and Federal officials who stood in awe of The Man on Randall's Island. Caro's work is a remarkable dossier of political pressures, of acquisition of power literally incomprehensible in a democracy, and how Robert Moses used that power to build an economic empire that he ruled for over 40 years. Its fuel was the tolls of Triborough Authority: its morality was altruism through a park and playground system dedicated to the People of New York: its leader was Hero Moses, battling Privilege and Politicians in a press that was slavish in its praise and support. Its goal? Power for Robert Moses.

He built things. At an early stage in his career, the idealist Moses offered the things as ends worthy of attainment: beaches for recreation where before only barren dunes and rotting garbage existed. Then he built bridges to get people to the beaches. He discovered the "gimmick" of Authority bonds that he could perpetuate through refinancing, and as guardian of those bonds, perpetuate himself and his projects in ever-widening spheres of influence. His character altered and impatience gave way to compulsion and vindictiveness as he smashed anyone daring to disagree with his Dream. President Roosevelt, frustrated by his inability to deny Robert Moses Federal money for the Triborough Bridge, plaintively cried, "Isn't the President of the United States entitled to one personal grudge?"

"No," was the recorded answer: not if that grudge meant a confrontation with Robert Moses.

He consolidated power by obtaining state and city commissions hitherto denied ordinary mortals: he was given them because only Robert Moses had the engineering drawings completed, the projects costed, the contractors bonded and the titles assured. His third post, that of New York City Planning Commissioner, allowed him to torpedo anyone who even came close to challenging his rule.

Robert Moses' personal drive and energies would kill other men if emulated. He demanded absolute loyalty and ruined colleagues who dared to disagree with him. He lied. He secreted the books of Triborough so effectively that he could plead poverty for the Authority for years, while netting millions of dollars to build anew elsewhere. The bondholders must have loved the charade as they clipped their coupons for early redemption, but others hated his guts when he closed Battery Park for five years. He had been denied this site for a Brooklyn-Battery Bridge, so he destroyed the Aquarium at that location, and would have razed Ft. Clinton had not Federal authority finally intervened. He assured maximum revenue for his bridges by vetoing subway extensions and building highway overpasses so low that the highway would not allow the passage of a bus.

Mr. Caro contends that Al Smith was the only man Robert Moses admired. At the crest of Moses' popularity, he was warned by Smith that the public's adoration was a slender reed upon which to build. Years later, Robert Moses learned just how slender that reed was when two incidents—The Battle of Central Park and the denial of Free Shakespeare—cost him his "good" press. Central Park, the oasis of greenery nestled in the madness of the metropolis, gave recreational facilities to mothers and nurses who strolled with their carriages on the southern 59th St. border. The Tavern On the Green, a restaurant concession under the Park Service, wanted to expand its parking facilities, and despite neighborhood protests, brought in the bulldozers and began carving up the landscape. A flying squad of mothers, baby carriages, and irate oldsters who envisioned their sunning benches falling beneath the blade of the Cats, rallied in front of the equipment and prevented any further encroachment. Robert Moses, in defiance of his prior discriminating sense of public sensitivity, fought them. He lost. Two years later, Joseph Papp, a Greenwich Village producer and promoter, initiated free Shakesperian drama in a park bandshell that had fallen into disuse. When Moses learned of Papp's leftward leaning politics, he put the squeeze on the entire operation in order to evict them from the park facilities. Again, he ignored press sentiment, public opinion, and more importantly, the local defenders of New York culture who saw Moses' actions as vindictive and destructive: again, he lost.

Unlike the Conqueror heralded in a Roman Triumph, Robert Moses did not have

anyone in his chariot whispering in his ear that all glory is fleeting: he had fired the cautioners and surrounded himself with sycophants. Consequently, he was unprepared for his encounter with a man whose calculations were greater, whose knowledge of power was even more intimate, and who did not tremble when the ultimatum of a Robert Moses resignation was flourished in the New York arena.

Robert Moses was beaten and banished by Nelson Rockefeller.

Robert Caro has written about Robert Moses for 1162 pages. It is not enough: the span of time is immense and the political system in which the action is cast is so filled with conflict and battle that one reads on with adrenaline percolating for page after page. Mr. Caro is a liberal: he identifies his bias honestly and does not cause discomfort by the intrusion of his views or skewed selection of his material. The wealth of events overshadows political affiliation. His book emerges as a political treatise on contemporary power, as a documentary of the life of a giant who walked among us, and as a warning that if a Moses ever again promises to lead us from bondage, the kindest act we could perform is to let the Pharoahs have him.

You can always get rid of a Pharoah. ◻

Howard McConnell is a medical electronics representative with Roche Medical Electronics. He holds an M.A. in psychology from Indiana University.

RELATIVES by Geo. Alec Effinger. New York: Harper & Row. 1973. 212 pp. $8.95.

Reviewed by STEVEN KOSEK

Relatives is a novel that grows out of a genre of literature best represented by *1984* and *Brave New World.* Unlike these predecessors, however, *Relatives* takes for granted the evil of totally centralized government and focuses instead on the limitations of freedom that allow the growth of totalitarianism in free societies. In this way, Effinger gives credence to the dystopias of Orwell and Huxley.

A reading of this author's second novel brings to mind the party slogan of Orwell's Big Brother—FREEDOM IS SLAVERY. The paradoxical relationship of those two conditions is, of course, achieved through the subtleties of *doublethink.* But Effinger finds justification for the slogan outside the limits of *1984*. Echoing Aldous Huxley's claim that freedom and the desire for freedom are declining, Effinger carries that assertion one step further in *Relatives* by describing freedom as a vehicle to apathy. His contention seems to be that people want freedom without responsibility and will accept the illusion of freedom in lieu of the real thing if their personal involvement is not required. And, in fact, the protagonists of this novel err greatly in their trust of systems that grant them such illusion.

If Effinger's approach to his subject is somewhat singular, his technique of storytelling is also unique to the socio-political novel. He presents three stories simultaneously (alternating one with the other two) and so keeps each one fresh and somewhat alien in the reader's mind. At the same time, he bolsters the strength of his themes by describing the occurrence of similar events in quite different situations.

Though the stories are unlike in setting and style, connections are made through the protagonists, the "relatives," who share obvious and subtle resemblances. Each has a variation of the same name and each man faces, in his own world, a situation that reveals both the illusions he has so willingly accepted and the manipulation of his life by governing bodies.

In a 21st century New York, for example, there is Ernest Weinraub, an assembler in a factory designed merely to give utility to an otherwise jobless citizenry. Though his life makes little sense to him, Ernest is secure in his faith that someone, perhaps his foreman, perhaps the World Representatives, knows what's going on. While he recognizes the source of his discomfort—"30 million people in the New York metropolitan area, and he could feel the presence of every individual."—he sees misanthropy as the surest safeguard of his freedom. Unfortunately, it is also the cause of apathy which he knows is "what had deluded them into accepting the world they lived in."

In his world, the Representatives have just declared an impending terrestrial disaster which has sent residents scurrying about in search of tokens which will, according to the government, admit them to shelter. But there is only one token available for every 200 people and the knowledge of this results in global rioting.

In the second of the stories, Ernst Weintraub is on his way to "Ostamerika" in a world where the Germans subjugated the Allies in World War I. As a communist agent, Weintraub's responsibility is to help prepare the way for a proletarian revolt. His method for the corruption of freedom is to encourage more and more of it. "When the attitude is 'Why not?' " he says, "my mission will be accomplished."

Finally, there is Ernst Weinraub, an alcoholic European expatriate who resides in an African city. In this version of the world "decadence and momentary pleasures replaced the drive for dominance and national pride." America remains uncolonized and Scandanavia is populated by wild and barbarous savages.

Ernst's problem is the presence of another European, Czerny, who, fired by the theories of Machiavelli, is moving to organize the peoples of the city into a militia. Ernst finds himself an enemy of Czerny by the reasoning "if you're not with us, you're against us." Asked once by the self-appointed general what keeps a culture alive, Ernst replies, "People not bothering other people."

Such an attitude is one with which we could all feel comfortable. But complacency is, in truth, neither adaptive nor self-maintaining. All three protagonists suffer in the end because they refuse to question systems that were originally so comfortable. It is their apathy and implicit trust in the integrity of their respective governments that lead ultimately to their destruction. Ernest Weinraub in the 21st century learns that the alert was faked to thin out a burdensome population by induced rioting and killing. In Ostamerika, Ernst Weintraub is revealed to the authorities by his fellow conspirators who wish to make a martyr of him, and in Africa, Ernst Weinraub's security is shattered by the political activity instigated by Czerny.

Each of the stories is, in itself, quite compelling and, if assembled and published individually, each would certainly be regarded as serious and excellently drawn. Together, they make up a work that is greater even than the sum of its parts. At a time when political sabotage is old hat in America and when domestic surveillance further separates state from citizenry, *Relatives* comes as a reminder that freedom established is not freedom guaranteed. That fact that such reminders go generally unheeded in no way diminishes the merits of this fine novel. ◻

Steven Kosek is a teaching assistant in the Department of English at Northern Illinois University. His reviews have appeared in The Chicago Tribune Book Review, The St. Louis Post-Dispatch, *and* National Review, *among other publications. He edits* Seems, *a quarterly literary magazine.*

• **HEARTS OF THE WEST,** directed by Howard Zieff, is a good-natured comedy that looks back nostalgically at the early days of Hollywood and the Gower Street studios. Jeff Bridges, an immensely likeable actor who continues to prove his remarkable talent, gives another fine performance as Lewis Tater, the Iowa farm boy whose single-minded ambition is to become a great Western pulp writer like his idol, Zane Grey. While waiting to publish his first novel, Lewis lands a job as an extra in low-budget Westerns at Tumbleweed Studios. Lewis is a charming eccentric, enthusiastic and bumbling, who is constantly acting out ideas for potential novels and whose conversation lapses into the Western prose of his fiction. Bridges plays him beautifully but shares the acting honors with Alan Arkin and Blythe Danner. As Kessler, the frenetic director always on the brink of complete hysteria, Arkin comes close to stealing every scene he appears in, while Blythe Danner's portrayal of Kessler's assistant, a tough, worldly-wise yet gentle woman, is very nicely done. The pace of the film is unfortunately slowed down by extraneous plot devices (Lewis spends much of his time eluding the grasp of a couple of con men), but the expert performances of the actors triumph over these defects for an affectionate, enjoyable movie. Rated "PG."—**James F. Carey**

• **MAHOGANY** starts out promisingly enough, with Diana Ross as a budding fashion designer fighting to rise from the Chicago ghetto, and Billy Dee Williams as an aspiring political reformer (conventional liberal variety) attempting to preserve and rebuild it. But after the first 20 minutes, the movie collapses in a welter of stereotypes and cliches, many dating back to the 1940's. Williams, for all his trendy politics, turns out to be a dyed-in-the-wool chauvinist, who wants Diana to give up her promising career to become a sidekick to his political ambitions. This not only undermines the credibility of their relationship, it also diminishes Williams' stature as one of the few sympathetic characters in the movie. Diana Ross, meanwhile, struggles valiantly but vainly in a role which is neither deep nor consistent. She goes to Rome and achieves a measure of success as a model and designer, only to find it meaningless without the man she loves. To see such outdated white middle-class philosophy being resurrected in a 1970's black movie is ludicrous. The dialogue often comes dangerously close to self-parody, although it is obviously intended to be taken seriously. Supporting performances are adequate, with Anthony Perkins kinky as a top fashion photographer who boosts Diana's career, and Jean-Pierre Aumont kindly as a European aristocrat who tries to buy her love. The photography is lush and richly textured, and the fashions, many of which were designed by Diana Ross herself, are of award-winning caliber. Paramount should save the sets and the costumes, and use them to make a good movie the second time around. Rated "PG."
—**Charles F. Barr**

John Wayne and Katherine Hepburn maneuver through dangerous rapids in Rooster Cogburn.

• If *Mahogany* is a throwback to the 1940's, **ROOSTER COGBURN** is a faithful re-creation of the 1950's Westerns, complete with John Wayne, a gang of outlaws, a gold shipment and a wagonload of stolen explosives. But at least this time the movie is intended as amiable nonsense, with no pretensions of lasting significance. Teaming John Wayne with Katherine Hepburn is an inspired bit of casting, which pays off with biting repartee and sparks flying in both directions. Wayne reprises his role in *True Grit* as a hard-fighting, hard-drinking U.S. marshal who tends to shoot first and dispense with the questions altogether. Hepburn plays a tough, straight-laced missionary on an Indian reservation, who sees her father murdered by a gang of outlaws there. When Wayne is assigned to track down the outlaws, he reluctantly takes Hepburn and an Indian youth along to help. Katherine Hepburn divides her time between helping Wayne and attempting to reform him. Wayne reacts to her ministrations with his customary vinegar, and the scenes between the two of them are the best in the movie. Anthony Zerbe lends some interest as a renegade scout, while Richard Jordan overacts badly as the outlaw leader. The action sequences are abetted by a stolen wagonload of nitroglycerine, which is put to use by both sides. Wayne plays Rooster Cogburn a bit more broadly than before, but the character is interesting and uncouth enough to be worth a few more sequels. Rated "PG."—**C.F.B.**

spotlight

Putting libertarian ideas of private property and self-determination into practice is easier said than done in our complex, highly-regulated society. It takes more thinking, research, hard work, and willingness to make small, evolutionary steps than many people can muster. But the result, though falling short of utopia, can often be worthwhile, meaningful improvements in people's lives.

One man whose profession is working for such improvements is 38-year-old John McClaughry of Concord, Vermont. A man of strong libertarian beliefs, McClaughry is fond of describing himself as a "Jeffersonian"—an advocate of individual liberty, limited government, decentralized power, strict construction, free competition, and, especially, the preservation of a widespread distribution of private property ownership. "Most of the Founding Fathers recognized that government could not remain limited unless the great bulk of the citizens held property of their own," he observes. McClaughry's activity over the past 15 years has been directed to shaping public policy to create and preserve that widespread distribution of property without which individual liberty is precarious.

McClaughry is the founder and president of the Institute for Liberty and Community, a nonprofit research institution focusing on ways to create and preserve liberty and property while restoring mutual aid and self-reliant human communities. The Institute has a rather remarkable advisory council, on which are libertarians Karl Hess and Martin Anderson, as well as the former chairman of the National Conference on Black Power and former HUD Secretary George Romney.

The Institute is carrying out a long-term research project to develop strategies for creating a broader base of private property ownership, especially among ethnic and minority group members. In 1974 it conducted a year-long symposium on economic empowerment of the poor—principally by focusing on the removal of government obstacles. The symposium also produced a plan for radically restructuring the Social Security System. The Institute has also produced the *Vermont Citizens Guide to Electric Power Issues,* a handbook exploring alternatives to state-franchised utility monopolies, and in 1975 held a conference on decentralizing Vermont.

McClaughry grew up in the small town of Paris, Illinois. After graduating from Miami University (Ohio) in physics in 1958, and earning a M.S. in nuclear engineering from Columbia in 1960, McClaughry worked for a year designing nuclear reactors for General Electric. He soon discovered that he was more interested in public policy than neutron flux, so he enrolled at the University of California where he was granted an M.A. in political science in 1963.

For the following four years he worked as a Congressional aide and campaign research director for a number of Republicans, including the late Sen. Winston Prouty of Vermont and Senator Charles Percy. During this period he became well known in Washington as the chief promoter of four important causes.

One was Senator Prouty's Human Investment Act, granting tax credits to employers for investment in employee skills. The second was the Percy-Widnall home ownership bill of 1967, which would have provided contingent loans to lower income people to enable them to achieve home ownership, in the context of a self-help neighborhood revitalization program. Much to McClaughry's disgust, the home ownership idea was transformed by liberal Democrats into a giveaway to lower and middle income families mainly to stimulate housing demand. It was enacted in this form as Section 235 of the HUD Act of 1968. (McClaughry unsuccessfully advised Sen. Percy to vote against it, as a fraud.)

McClaughry's third bill was a complex measure called the Community Self Determination Act. Backed by a curious collection of Republican conservatives and black militants, the bill would have made special tax and banking provisions available to community development corporations, which would ultimately fund locally desired social services from their own business profits, rather than by wheedling grants out of the government. The fourth cause was abolition of the military draft, finally accomplished by Richard Nixon.

In 1967 he left Capitol Hill to become a Fellow of the Institute of Politics at Harvard. In the summer of 1968 he returned to Kirby Mountain, Vermont where he had built his own log cabin five years earlier, and with hardly any local connections jumped into a primary for a vacant seat in the Vermont House. By an all-out door-to-door campaign he won easily, and was reelected in 1970. His most important efforts in the legislature were to curb housing and building codes, which, he says, were threatening to destroy what little housing was available to the poor and prevent them from taking the initiative to build their own. Both bills lost by one vote.

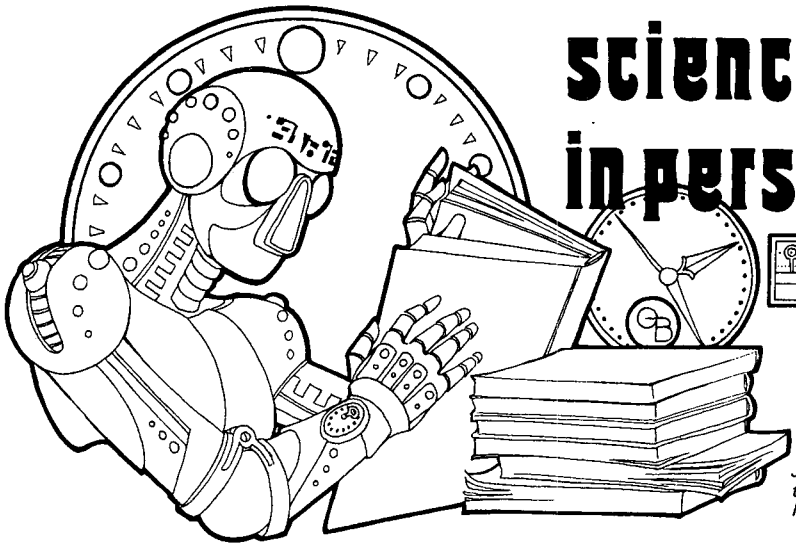
JOHN MC CLAUGHRY

After an unsuccessful primary race for Lt. Governor in 1972, in which he lost to an incumbent, McClaughry threw himself into the battle against statewide zoning, which he describes as "The New Feudalism". Despite the weight of the administration in Montpelier and a bevy of well organized environmental pressure groups, McClaughry and his allies managed to kill state land use plans in 1972, 1974, and 1975, and it is now widely felt that the idea has, in Vermont terms, "gone by."

McClaughry's most recent battle developed when the Republican State Committee extended a dinner invitation to John Connally. At a televised news conference, McClaughry roasted Connally as a "political hermaphrodite," a man whose vision of the Corporate State ("state capitalism or corporate socialism, take your pick") was the same as that of Mussolini, and whose proposal for compulsory national service of all 18 year olds was pure and simple slavery. Demanding that the Republican Party act like a Party of Individual Liberty, McClaughry said, "If there will ever be a sufficient cause for acting upon Jefferson's famous observation that 'the tree of liberty must be watered by the blood of tyrants', an attempt to impose social conscription will be that cause."

John McClaughry is clearly a man who takes liberty seriously. ◻

Readers are invited to nominate persons to be featured in this column. Send details to Spotlight, c/o REASON, Box 6151, Santa Barbara, CA 93111.



science fiction in perspective

JOHN J PIERCE

John Pierce's Science Fiction column alternates monthly in REASON with Davis Keeler's Money column.

PIONEER MURRAY LEINSTER

Schools of science fiction come and go, and so do most of the writers associated with them. In SF, as in other fields of literature, immediate popularity doesn't necessarily guarantee lasting appeal.

One of the exceptions was William Fitzgerald Jenkins, who under the name Murray Leinster enjoyed a career in science fiction that spanned 50 years and who died only last summer at the advanced age of 79. Although most of his works have gone out of print since he retired in 1968 after the death of his wife, Ballantine Books has plans to issue *The Best of Murray Leinster* in about a year as part of its series of "best" books.

When Leinster began writing SF in 1919, almost by accident, it wasn't even called "science fiction," and the most popular form of it was the "scientific romance" pioneered by Edgar Rice Burroughs that was about nine-tenths thrilling adventure to one-tenth science—or, more likely, pseudo-science.

His first works were in this vein, including "The Runaway Skyscraper" (1919), in which the Metropolitan Life building travels backwards in time for no particular reason; and "The Mad Planet" (1920) and "Red Dust" (1921), which pitted degenerate humans of a future Earth against giant insects that somehow got around easily despite the square-cube law.

Even then, however, Leinster rationalized his "science" more than most of his contemporaries ("The Mad Planet," "Red Dust" and a later sequel eventually were novelized in 1953 as *Forgotten Planet,* with the locale changed to another planet seeded with primitive life forms by a bureau that neglected to follow up with advanced varieties), and he was by avocation a scientist-inventor himself. Jenkins Systems, a process by which filmed backdrops can be projected on a screen from the *front*—without showing up on the actors playing against them—was his most famous invention, and one he had to defend in court when the producers of *2001* tried to pirate it.

In the late 1920's, when scientific romance gave way to apocalyptic science fiction of mad scientists with inventions that menaced the world, Leinster caught the trend with works like "Darkness of Fifth Avenue" (1929), "The Storm that Had to be Stopped" (1930) and *The Murder Madness* (1930), in which scientific criminals threaten society with a device that can black out the sun, artificial hurricanes, and a drug that drives the populace into homicidal frenzy.

But by the 1930's, the demand was also growing for more soberly-realistic works, and Leinster was again responding with "Tanks" (1930), a battle in a future war as seen by ordinary soldiers; and "The Power Planet" (1931), an international incident involving a space station—and incidentally, the first realistic work about such a station by an American.

In the 1940's, Leinster was one of the few old-timers to survive the advent of John W. Campbell Jr. and the rigorous new standards of *Astounding*—as a matter of fact, he not only survived, but flourished: it was for Campbell that he wrote "First Contact" (1945), which is still his most famous story. "First Contact" involves the encounter of a Terran starship with that of an alien race in deep space. Both sides consider their own intentions peaceful—but how can either of them trust the other? If they go home, will they be trailed, and leave their worlds open to invasion? Leinster works out an ingenious —and incidentally libertarian—solution: the parties swap ships!

Leinster's story, incidentally, inspired a response from the Soviet Union's Ivan Yefremov: "The Heart of the Serpent" (1959), in which the Terrans and aliens don't have to fear each other because both have advanced to Communism and the former can look back on "First Contact" as the expression of "the heart of a poisonous snake." Leinster took this in good humor; one wonders, though, what would have happened if Yefremov's Soviets of the future had encountered *Maoist* aliens. . . .

Another Leinster story in *Astounding* was "A Logic Named Joe" (1946), which was perhaps the *only* story to realistically anticipate the problems of computerized information storage: Joe is a computer who'll answer any question, including how to murder your wife or embezzle from your bank and get away with it. Still another was "The Strange Case of John Kingman" (1948), a psychological story dealing with efforts to reach the mind of an alien humanoid who has been mistakenly locked up in a mental hospital for more than 150 years as a "paranoid."

Through the 1950's, Leinster maintained his popularity with works like the Colonial Survey series of scientific problem stories, one of which, "Exploration Team" (1956) won a Hugo. And into the 1960's, he won new readers with his Med Service series, which took the celebrated Dr. Calhoun from planet to planet dealing with medical emergencies which, in keeping with the changing nature of science fiction, often involved sociological complications. *Doctor to the Stars* (1964) and *S.O.S. from Three Worlds* (1966) collected most of these stories.

But Leinster created trends as often as he followed them. His "Sideways in Time" (1934) was the first story to deal with the idea of parallel worlds—worlds like our own in which history has taken a different

course. His concept has since been elaborated by H. Beam Piper in his Paratime series (1950f.) and, more recently, by Keith Laumer in *Worlds of the Imperium* (1962) and its several sequels.

Leinster was also one of the first writers to realize SF could be *funny*. In "The Fourth Dimensional Demonstrator" (1935), for example, the hero invents a duplicator that will make copies of anything—including his girl friend and an over-curious cop—with hilarious results.

True, he also wrote a lot of pot-boilers—in later years, even adaptations of *Land of the Giants*. Perhaps because of this, his reputation has suffered. And even when he was alive, indifferent editors occasionally caused him to be underrated. In 1964, for example, he had a serial in *Analog* titled *Spacemen*—a routine story of space pirates, save for the *denouement*, in which the hero ingeniously manages to drive the pirates mad by using his knowledge of the ship's communications system to project an insane but seemingly "real" universe on all the monitoring screens. When the serial was published in book form as *The Other Side of Nowhere*, however, the editor chopped most of that out—the best part of the story!

Leinster was too easygoing to even protest, and indeed a generous humanity was characteristic of the man. He seemed to share none of even the minor vices some SF writers are known for, being neither a womanizer nor a hard drinker. A convert to Catholicism in the 1920's, he could discourse learnedly on St. Thomas Aquinas or Teilhard de Chardin—but never tried to force his religion on anyone, or even into his stories.

Now that SF is more self-consciously literary, some "advanced" types act as if Leinster's sort of writing is something the genre has to live down. One editor, rather pompously, felt compelled a few years ago to point out that Leinster obviously "isn't a Dostoyevsky." As if he'd ever claimed to be! Well, Scott Joplin wasn't a Stravinsky, either—but that doesn't seem to be keeping even "cultured" people from enjoying the *Maple Leaf Rag* or flocking to see *Treemonisha*. Let today's readers give Leinster a chance, and they may be surprised to find themselves enjoying *him*. ◻

FOREIGN CORRESPONDENT

(continued from page 32)

negotiated for the glory of détente. And the northern part of Norway certainly could be considered to be a negotiable piece of territory. Eminently negotiable, as a matter of fact.

During the last few years the Soviets have amassed the largest concentration of military power in the world on the Kola peninsula, which is just behind the border which Norway has in common with the Soviet Union. It is the biggest base in the world, however you look at it: nuclear and conventional, air, naval, land and amphibious. It means that the most advanced perimeter of Soviet defense today goes far out in the Atlantic, well beyond little Norway. The most advanced line of Soviet defense against an attack in the North Atlantic goes south of Iceland, right outside Scotland.

The question many people raise here is whether, in these circumstances, the U.S. would commit its air, ground and naval forces to the defense of Norway; the U.S. forces would have to move into air and naval space dominated by the Soviet Union. The inevitable answer is—"not very likely". Well, how about nuclear retaliation, or the threat of it? But the atom bomb was never Henry Kissinger's game even as a political weapon, and the threat of nuclear retaliation is less credible than ever in the age of détente.

So what good does NATO do? It does not provide any guarantee against the Russians, who stand to lose only their friendship with Mr. Kissinger if they invade Norway. And—who knows?—in the end Kissinger himself may find Northern Norway a convenient piece to be sacrificed in the game of political chess between Washington and Moscow.

It does not matter much whether the readers or I agree with this line of thinking or not. The point is that this type of brutal cynicism is an inevitable expression of *Realpolitik* of exactly the same kind that Mr. Kissinger's policy of détente is. As I said there is a price to be paid for everything, there is no such thing as a free détente, either.

I *do* think that Henry Kissinger did the right thing in pulling the U.S. out of Vietnam. The U.S. landed in the position (it was not inevitable) of appearing to fight the war of foreign colonialists against national liberators, and from then on it was hopeless. But that is certainly not the position so far as Norway is concerned.

There is no danger that the communists here will be the leaders of any "war of national liberation". The danger is a Soviet war of Norwegian suppression, by military invasion or by political Finlandization (the latter being more likely). Henry's policy of détente does not cover our case, and it scares the hell out of some of us.

OLE-JACOB HOFF

HELP YOURSELF

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publisher's notes

• **THE "TAKING" ISSUE:** A major interdisciplinary conference for lawyers and economists was held in San Diego on October 2-4, dealing with the conflict between land use regulation and the fifth amendment's requirement that compensation be paid when private property is "taken." Sponsored by the Law and Liberty Project of the Institute for Humane Studies and the Law School of the University of San Diego, the conference featured a significant paper by University of California economics professor M. Bruce Johnson, which analyzed the hidden costs and allocation problems involved in land use regulation. Professor Bernard Siegan of the University of San Diego Law School, author of the lead article in this issue, served as moderator. Johnson's paper and comments of several panelists discussing it will be published in early 1976.

The latest issue of *Law & Liberty*, the Law and Liberty Project's newsletter has just come out. A sample copy (which includes an excerpt from Tibor Machan's new book, *Human Rights and Human Liberties*) may be obtained by writing to Davis E. Keeler, Law and Liberty Project, Institute for Humane Studies, 1177 University Drive, Menlo Park, CA 94025.

• **NEW CENTER:** The Center for the Study of American Business was established at Washington University (St. Louis) in January 1975 for the purpose of studying and disseminating research concerning the private enterprise system. The Center is sponsoring a course at Washington University to acquaint students with the work of Mises, Hayek and other often neglected economists, and, as part of its current research, is analyzing the consequences of government regulation (which, according to preliminary results, leads to substantial and generally ignored costs to the consumer). The Center distributes publications to a wide audience, including a formal Publication Series and an informal Working Paper Series. For further information, write Center for the Study of American Business, Washington University, Box 1208, St. Louis, MO 63130.

• **HILLSDALE COLLEGE:** A unique independent college founded in 1844, Hillsdale has never solicited nor accepted government funding for its operations. A recent regulation of the U.S. Department of Health, Education and Welfare purports to classify Hillsdale as a "recipient institution" on the basis that a few Hillsdale students receive federal aid through veterans benefits and federal loans. As Hillsdale's prominent president, George Roche III, has noted, acceptance of the status of "recipient institution" opens the door to federal control of the college, by means of federal guidelines which cover virtually every aspect of the college's existence. The Hillsdale Board of Trustees has determined "to resist federal control with every means at our disposal."

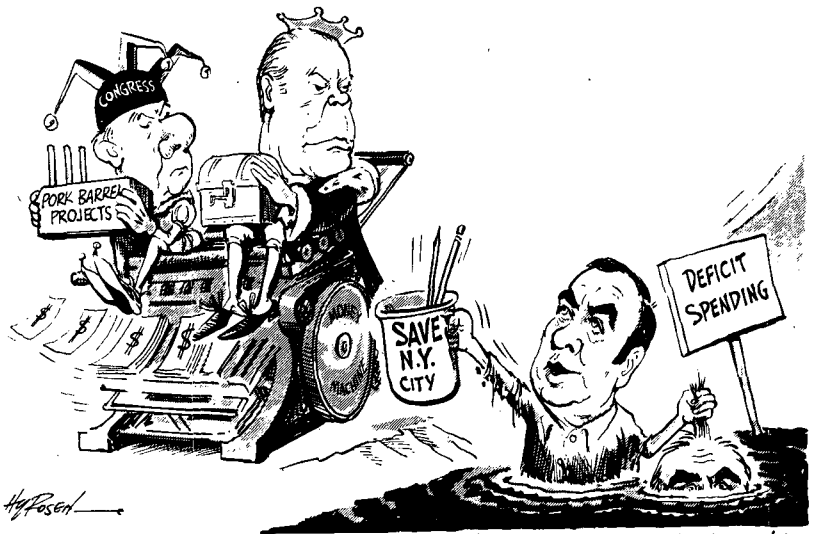
Hillsdale is undertaking an endowment campaign of $25,000,000 for scholarships and faculty salaries to perpetuate its independence. The college conducts such activities as the Center for Constructive Alternatives (CCA), which publishes a useful monthly publication, *Imprimis* (edited by Barbara J. Smith), containing position papers from CCA seminars. Hillsdale also conducts the Ludwig von Mises Lecture Series annually. Complimentary subscriptions to *Imprimis* are available by writing Hillsdale College, Hillsdale MI 49242.

• **NEW BINDER:** We'd like to announce our new binder, specially designed to preserve your collection of REASON. Flip to page 47 to glimpse the binder, and, if you like it, let us know how many you'd like to order by using the convenient coupon.

• **TAX REBEL UPDATE:** Karl Bray, a leading tax protest leader (see "Frontlines," October 1975) is presently serving a six-month sentence in the Salt Lake City-County Jail. Convicted of the bizarre charge of "illegal possession" of IRS seizure stickers, Bray's case was denied a rehearing by the U.S. Supreme Court. Bray is outlining his new book on tax rebellion while in jail, and would be interested in receiving reading matter, especially in the areas of law, philosophy and economics. All material sent to him will be opened and examined. He can be reached as follows: Karl J. Bray, c/o Salt Lake City-County Jail, 350 East, 400 South, Salt Lake City, UT 84111.

• **CIA CONTRIBUTORS:** In CIA Director Colby's first public appearance since President Ford fired him in November and then asked him to stay on until his successor was confirmed by the Senate, Colby was asked by members of the House Intelligence Committee about CIA activity in the news media. Colby testified that the CIA had several free-lancers or stringers abroad, who were operating without the knowledge of the publication's management. Colby also said that full-time CIA employees submit articles to "major American journals," but he would not give any further details in the public session. Colby indicated that CIA people might be part-time contributors to broadcast media, but would not publicly say whether the CIA had anyone in the pay of the television networks or whether CIA employees work for the national news services, AP or UPS. Colby did state that the CIA does not "at this time employ any regular staff member of a U.S. daily newspaper."

To our knowledge, except for our interview last August with ex-CIA agent Victor Marchetti, none of REASON'S contributors are now, or have ever been, members of the CIA. But we'd certainly be curious to know what journals CIA agents are publishing in these days. We're not at all sure that we like the idea of government intelligence agents planting stories in the press, but depending on what they'd otherwise be doing if they weren't publishing, who knows—it might be a blessing in disguise. ◻



"THE DIFFERENCE BETWEEN WE AND THEE...IS—YOU OWN THE PRINTING PRESS!"

UNIONIZED GOVERNMENT

One of the effects of inflation is to stimulate the activity and growth of labor unions. A worker whose wages do not rise as rapidly as the prices of products go up will suffer a decrease in "real wages." The people who make their living as managers of labor unions, "spokesmen for the workers," are very quick to tell potential union members about the benefits of joining together to fight inflation by fighting the boss. In the past few years, the AFL-CIO has focused increasing attention on the "public sector." Most cities and towns now have a teachers union which calls a strike at the beginning of every school year.

For once, Marxist theory coincides with reality, given the context of rapid inflation. In the government labor market, the demand for labor does not decrease as its cost increases—the demand for workers is calculated on a "headcount" basis, rather than a "marginal productivity" basis. Further, the government employers are no more motivated by altruism than anybody else (in spite of election day rhetoric), and government jobs are soft and secure enough that employees think twice before quitting to look elsewhere for higher wages. The appeal of unionization, therefore, "to fight for a pay increase" actually makes sense given widespread inflation.

Organizing a labor union, however, brings up the issue of "compulsory membership." In the private sector, this might be the employer's choice; in the public sector, it is the labor organizer's hustle. Just like a miniature government, a labor union finances itself by "taxation" (membership dues) and total revenue is maximized if payment of dues is compulsory. Moreover, if a strike were called, the union would want to enforce its "laws" (membership rules) on every employee—in this case expulsion or fines against those who cross the picket line. If membership in the union is compulsory, expulsion from the union is the same as expulsion from the job. Freedom of choice be damned.

To combat the "compulsory membership" and "expulsion from the job" problems of teachers, a new political action committee has been formed. **Concerned Educators Against Forced Unionism, 8316 Arlington Blvd. (U.S. 50), Suite 600, Fairfax, VA 22030** is a task force for the defense of academic freedom. The issue of academic freedom arises because of the near monopoly which government schools enjoy. The issue is not "what shall be taught," but "who shall be allowed to teach." The Concerned Educators Against Forced Unionism intends to focus efforts on legislation which will guarantee the right to refuse to join a teachers union and to refuse to participate in a teachers strike. In conjunction with the **Right to Work Legal Defense Foundation,** it intends to take initiative in the courts on behalf of teachers who are discriminated against because of union non-membership.

THEORETICAL BACKGROUND

The proposition that compulsory membership is necessary for the supply of "collective goods" and services, such as the management services of the union organizers, is challenged in the latest issue of **The Journal of Law and Economics,** published by the **University of Chicago Law School, 1111 East 60th Street, Chicago, IL 60637,** at $9.00 per year. In a technical discussion of the theory of "collective goods," Prof. Earl D. Brubaker of the University of Wisconsin argues that the available evidence does not support the "free rider" hypothesis, which is the basis—often presented emotionally—for compulsory membership and compulsory payment of dues to labor unions. ("Free Ride, Free Revelation, or Golden Rule?" in *J.L.E.,* April 1975, pp. 147-162.)

The Journal of Law and Economics merits a FRONTLINES report of its own as probably the most important scholarly journal specializing in the area of government regulation and the theoretical basis for such control. A remarkable number of important economic and legal studies have appeared in the *J.L.E.* since it was started in 1958. The current wave of favorable research towards deregulation was initiated by the *J.L.E.* in its early days, and many articles have appeared under the bylines of Milton Friedman, Yale Brozen, Sam Peltzman, George Stigler, and others. The current issue includes "The History of the Postal Monopoly in the United States," by Prof. George L. Priest, and "Property Rights in Radiation: An Alternative Approach to Radio Frequency Allocation," by Jora R. Minasian.

UNIONIZED CITIZENS

The issue of labor unions for government employees should concern average citizens, not just libertarians, for reasons quite different from the "threat" of strikes by school teachers, policemen, and firemen. Indeed, a public employee strike might be the perfect opportunity to abandon the government activity and accept bids from private enterprise for the same services. The government union, however, is a ready-made political machine in any community. Worse, it is a political machine with a vested interest in higher taxes and increased government control.

When the collection of union dues becomes an automatic part of the payroll process, the union managers avoid the need to persuade the members to pay each month. When membership in the union is compulsory, the managers avoid the need to sell the members on the benefits of membership each day. Just like any economic activity which is free of the need to sell its services on a continuing, voluntary basis, the management of the labor union is able to indulge in a few "office luxuries," such as additional organizing personnel whose principal duties are political. In the government unions, it becomes centrally important that certain politicians get elected—in order to make the task of collective bargaining easier after the election.

For those who scoff at the political impact "paid organizers" can have in an election campaign, take a look at the success story which Mayor Daley of Chicago has written by means of "patronage workers." Interestingly enough, Mayor Daley is opposed to collective bargaining in the city of Chicago—he knows a threat when he sees one.

The antidote to public sector labor unions might be the growing popularity of "taxpayers unions"—with the implicit threat of a taxpayers' strike. The **U.S. Taxpayers Union** seems to have the largest, most aggressive organization this writer has seen. (Other tax revolt organizations are encouraged to send me information on their activities.) Information on the activities of the various taxpayers unions can be obtained by subscribing to the **Tax Strike News, Box 1089, Porterville, CA 93257,** $11.00 per year.

Tax fighters come in all sizes and shapes—from the feisty, grass roots, blue collar variety, as in the U.S.T.U. to the polished, Washington-based **National Taxpayers Union, 625 East Capitol, S.E., Washington DC 20003.** Jim Davidson of the N.T.U. has achieved a remarkable degree of public exposure for the libertarian position by means of "inside research" on Federal grant boondoggles, and by publicizing these via direct-solicitation mail fundraising. Davidson was the inspiration behind Senator Proxmire's monthly "golden fleece" awards, to the government agency or program which has wasted the most money each month. We expect bigger

and better things from Davidson in the future, now that he is a contributor to the "View from the Top" feature of *Penthouse* magazine.

Following upon the near-success of Gov. Reagan's tax limitation proposal in California, the **National Tax Limitation Committee, Suite 701, 555 Capitol Mall, Sacramento, CA 95814** is working with groups across the nation to promote legislation and State constitutional amendments to limit the percentage of the income of citizens that the government can grab. At the national level, **Senator Carl Curtis** has introduced **S.J.Res. 55**, "Proposing an amendment to the Constitution of the United States relative to the balancing of the budget." Even as proposals with no hope of passage, this sort of legislative initiative becomes a focal point for taxpayer pressure. Write your Congressman, as well as anybody else who may influence public opinion. Much more on tax resistance in future columns.

Next month we propose to analyze the recent campaigns of Ray Cunningham and Lloyd Taylor in San Francisco. The municipal unions, and former Mayor Alioto's sell-out following the recent strike, were major issues in the election. Cunningham, running for mayor, came in eighth out of 11 candidates, with 1069 votes, while Taylor garnered 10,988 votes in his campaign for one of five Supervisor positions, placing 20th among 29 candidates.

This column is concerned with activities out on the "frontlines" of the battle for freedom, and with the people who are the strategists. tacticians, and troops. Please send material for inclusion in FRONTLINES to Joe Cobb, Box 1776, Chicago, IL 60690.

"I defend liberty against those who would paternalistically restrict adults for their own good; I defend property earnings against those who would have the government redistribute to achieve however desirable or egalitarian a pattern; I defend free markets against those who would regulate them or subsidize firms; in a phrase from the book, I defend capitalist acts between consenting adults."—Robert Nozick, acceptance speech on receiving the National Book Award for Anarchy, State and Utopia

LUCIFER'S LEXICON
by L. A. Rollins

fellow traveler, n. A running dog of the Communists.

God-given, adj. Given by an "Indian giver" (the Lord gives and the Lord takes away), as, e.g., our God-given, inalienable rights.

immoralist, n. A Nietzschean or Stirnerite who cannot feel guilt with a clear conscience.

incorruptible, adj. Overpriced.

laissez faire, n. In political economy, reliance upon the invisible hand of the market, rather than the visible handcuffs of the government.

liver, n. A large glandular organ that promotes digestion, except when eaten.

logrolling, n. In American government, one hand washing the other, both becoming dirtier.

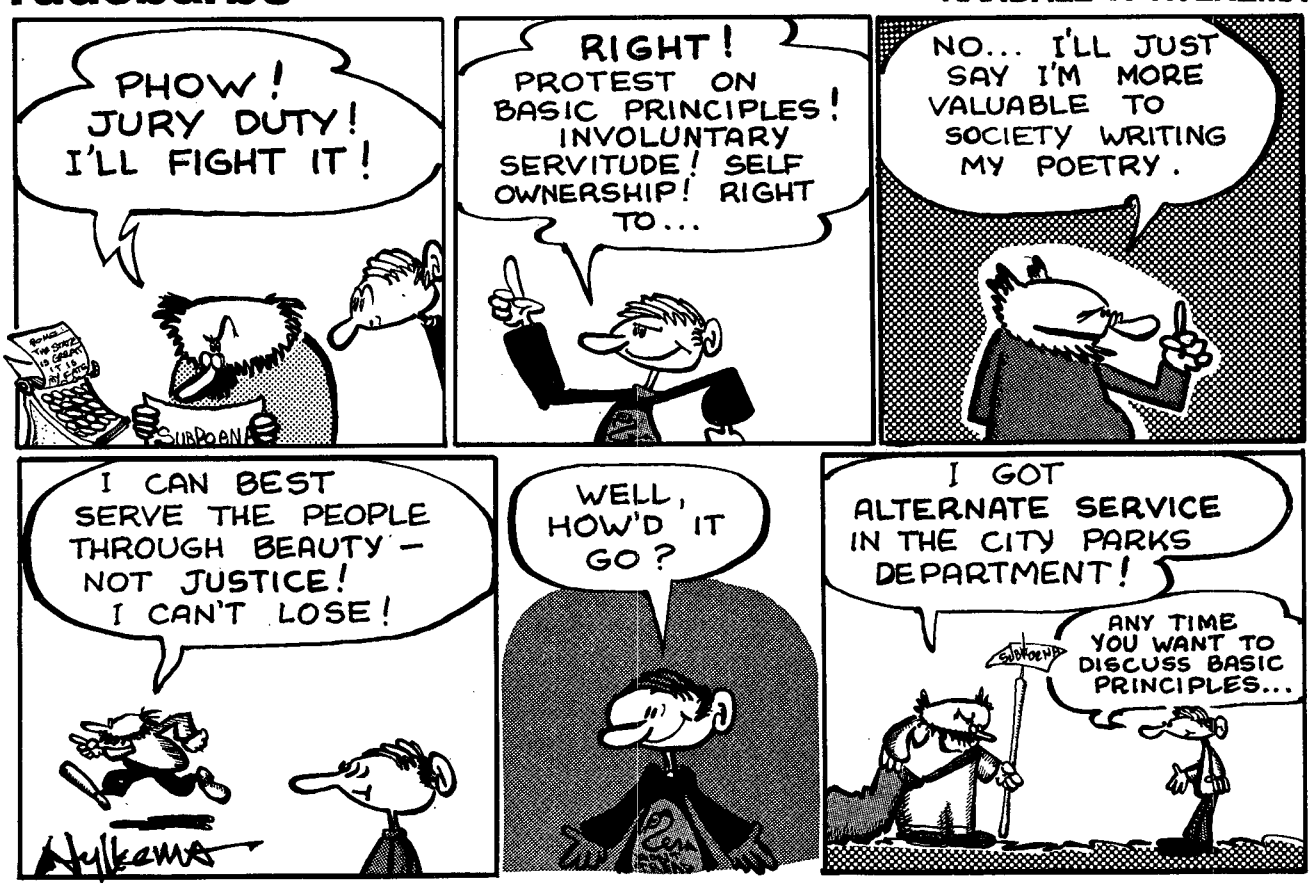
longhair, adj. (Slang) Formerly, of or pertaining to serious rather than popular music. Now, of or pertaining to popular rather than serious music.

looter, n. A civil riots worker.

loveliness, n. A kind of beauty that inspires love. Though beauty sometimes appears to characterize a woman, it actually exists in the eye of a male beholder, impairing his vision.

rudebarbs

RANDALL K HYLKEMA


PHOW! JURY DUTY! I'LL FIGHT IT!
SUBPOENA
RIGHT! PROTEST ON BASIC PRINCIPLES! INVOLUNTARY SERVITUDE! SELF OWNERSHIP! RIGHT TO...
NO... I'LL JUST SAY I'M MORE VALUABLE TO SOCIETY WRITING MY POETRY.
I CAN BEST SERVE THE PEOPLE THROUGH BEAUTY — NOT JUSTICE! I CAN'T LOSE!
Hylkema
WELL, HOW'D IT GO?
I GOT ALTERNATE SERVICE IN THE CITY PARKS DEPARTMENT!
SUBPOENA
ANY TIME YOU WANT TO DISCUSS BASIC PRINCIPLES...

letters

PERSONAL SOVEREIGNTY

While I find much of merit in Dr. Peter R. Breggin's article on voluntary psychiatry [September], and think he is performing a valuable service in exposing psychiatric abuses, I must take exception to his handling of the question "But what if the individual does not *have* personal sovereignty?" As with so many writers on libertarian psychiatry, Dr. Breggin seems more interested in maintaining an ideological purity than in facing squarely this difficult question.

He begins his answer with the claim that ". . . personal sovereignty loses all meaning unless it is assumed to exist in everyone," a substantial overstatement, to be sure. But he goes on to say that "Sovereignty, like freedom, is not granted to people, but exists as an *inherent attribute* of people. It is a natural right, a given, a first premise" (original emphasis). It should be clear, however, that this answer is inadequate: it merely posits an *assumption,* whereas the original question concerns a matter of *fact.* Consider a person rendered unconscious from an accident. Surely he does not have personal sovereignty (which Dr. Breggin has defined in terms of "capacity"), and so the above question is appropriately asked. It is no answer to simply say that personal sovereignty is an "inherent attribute" of this unconscious person.

The problem I am raising here is one that runs through much of the literature of libertarianism, especially in its less sophisticated examples. Freedom (and personal sovereignty) may indeed be a natural right and even the highest of political values, but is so *only* for those capable of exercising it, broadly understood. Thus we do not treat children as adults, we make decisions for them, in their best interests—we assume they are not capable of acting fully voluntarily. Likewise with unconscious persons, or even on occasion with people with mental difficulties. The problems in this last instance are often excruciatingly difficult, and the benefit of doubt must always be given to the would-be patient. But it is no answer to run from the problem, to allow a loved one to waste away, to wander the city in a daze, completely out of touch with reality. This is no respect for personal sovereignty; it is gross neglect, founded upon a too primitive concept of the individual.

But again, I commend Dr. Breggin for the work he is doing. I urge him only to recognize these difficulties, to recognize that there are times when we must step onto the slippery slope, mindful always that that is just what we are doing.

Roger Pilon
Philosophy Department
University of Chicago

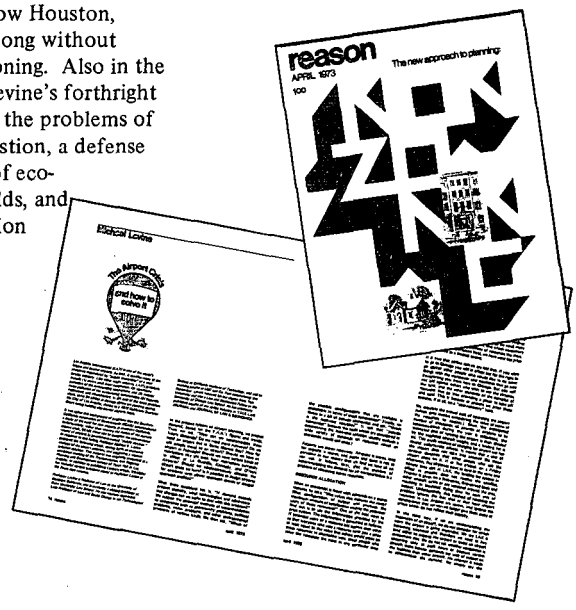
DEFENDING DELGADO

However much I may applaud Peter Breggin for his championship of personal sovereignty, I am obliged to protest his estimation of Jose Delgado—whom Breggin sees as nothing more than a behaviorist enemy of individual psychological liberty. By his remarks, I gather Breggin is referring to the book, *Physical Control of the Mind: Toward a Psychocivilized Society,* in

Have You Seen...

APRIL 1973 $1.00

This issue features the first full-length interview with Bernard Siegan, author of the path-breaking *Land Use Without Zoning,* which shows how Houston, Texas manages to get along without government-imposed zoning. Also in the issue is Prof. Michael Levine's forthright free-market solution to the problems of airport noise and congestion, a defense of the Chicago school of economics by Alan Reynolds, and Tibor Machan's discussion of Henry Kissinger. Order now while supplies last.



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which Delgado presents a lay explanation of the remarkable inhibitory and excitory effects of electrical stimulation of the brain. Delgado's point, however, has nothing to do with advocacy of cybernetic societal control. The "psychocivilized" society he proposes would be one wherein the techniques of electrocerebral stimulation lie open to the individual for the sake of their self-willed mental evolution. For Delgado, "Individual choice entails assuming accountability for the direction of personal destiny."

Perhaps a cursory examination of Delgado may suggest to some that he is promulgating the ultimate in psychologically-repressive practices, but this is not so. The techniques he describes *do not* supplant or overpower volitional action, as the evidence makes amply clear. The implications of Delgado's ideas are no more sinister than the current popularity of the so-called "biofeedback" devices, which enable one to deliberately enhance the level of alpha-wave activity in the brain, promoting a state of profound calm.

Breggin's reaction to Delgado prompts me to remark on Anne Wortham's article, as an opening to a larger point. Wortham makes much of the responsibility for one's social/psychological perspective resting in individual choice. She makes her point . . . but I really doubt that anyone, not even Susan Love Brown, would have been in disagreement to begin with. I believe that Wortham, for all her exegetical proficiency, had missed Brown's main concern: *Why* have so many blacks chosen a path of "least respect"? There *are* reasons that serve to explain why some groups in society (blacks, women, homosexuals, etc.) have largely succumbed to debilitating self-evaluations, and it is worth understanding why some of the group succumb and others do not. Naturally, an act of will may effect a veritable miracle of psychological transfiguration, but this is really no help in the main. The hope of humane libertarianism should be to replace miracle with method, making liberation accessible to many who would otherwise lack the strength *or the understanding* to rise above their circumstances.

The point that I want to press was suggested to me by William Stoddard's letter, wherein he makes the comment that "belief in free will is an outright invitation to psychological self-deception." Now, I do not literally agree with Stoddard, but he enunciates a valid caution against a kind of Manichaean attitude that permeates libertarian notions of psychology. This attitude is exemplified by Breggin's knee-jerk dismissal of Delgado's researches, and by Wortham's severe rejection of environmental factors as an explanation of cultural patterns.

Of course, human beings are not determined; their activity is impossible to describe by predictive laws in any formal sense. But the appellation of "free" will is a bit misleading, for no human being can successfully function in the absence of a matrix of personal history. A person "freed" of such influences would, I suppose, have the ability to make near-spontaneous personality transitions . . . but would likely suffer from a great sense of velocity, of anxiety, in the absence of a *psychological continuity* with their past experience. It is the effect of this continuity that can, if overwhelming, dampen individual volition or, if properly assimilated, provide stability of character.

One must also understand that the mind is, in part, a *physical* process and therefore susceptible to electrochemical and biological study, after Delgado. It is also a kind of "stochastic" process, a cascade of accumulated experience, that can overwhelm or buoy one up. Neither Breggin's views on behavioral research nor Wortham's doctrines of responsibility grasp the inherent complexity of human volition.

Let me end by making clear that the alternative to a Manichaean position on the

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COMING NEXT MONTH

REASON for February will present a special issue on revisionist studies of U.S. foreign policy. Contributors to the issue include Percy Greaves on FDR's role in bringing about the Pearl Harbor tragedy, James J. Martin's shocking account of the framing of Tokyo Rose, William Marina comparing U.S. interventions in the Philippines and Vietnam, Austin J. App on the Sudeten-German tragedy, Gary North on World War II and Vietnam as viewed by historians, Bruce Bartlett on the Pearl Harbor cover-up hearings, Alan Fairgate on non-Marxist theories of imperialism, and Jeffrey Rogers Hummel reviewing Colin Simpson's The Lusitania.

The February issue will also include Davis Keeler's Money column, David Brudnoy's Viewpoint, and all of REASON's regular columns and features. This extra-length special issue will be sent to subscribers at no extra cost.

issue of free will vs. determinism is *not* a contradictory, have-your-cake-and-eat-it-too melange of theory. The alternative is to *transcend* the free-determined dichotomy, to discover an understanding that would integrate the presence of spontaneous volition with the stochastic vector of personal experience. Personal identity is, after all, an ambiguous thing. It is wrong to think the most important question is "Who are you?" Better we should be asking each other "Who have you *been* . . . and who are you *becoming?*"

Mike Dunn
Seattle, WA

Dr. Breggin replies: I am delighted that my critique of psychiatry stirred up so much response and that my critics nonetheless voice appreciation of my attempts to fight psychiatric abuses. But I remain concerned that so many well-meaning and thoughtful persons will throw freedom to the winds over psychiatric issues. This confirms my fear that psychiatry remains a totalitarian threat of such *insidious* proportions that even libertarians fail to perceive it, for if libertarians wish to bend the principle of freedom in the interest of therapy, what can we expect from ordinary establishment thinkers?

A main argument centers around personal sovereignty. Does a person remain morally responsible for himself and his actions even when he has been battered by drugs or compromised by brain damage? Does a person remain responsible when he has been oppressed by cruel or loveless parents and persecuted by a prejudiced and brutal world? I don't know how anyone can give an absolute answer to any of these questions. Certainly "moral responsibility" cannot be measured scientifically, and I defy anyone to show me how he can judge whether or not another person is responsible for his actions. I "assume" people are responsible because I prefer that vision of humanity, because it has worked in my own life and the life of other people I respect, and because it helps my clients. Under all circumstances and in all people, however biologically defective, I seek to relate to the moral individual in order to encourage him to the utmost. I act as if personal sovereignty is an absolute.

But all this is tangential and even irrelevant to the political issue! While I have some doubts about my concept of personal sovereignty as an inherent quality, indestructible and perhaps eternal, I have no doubt about the political necessity of acting *as if* each person is sovereign. All men may not be equal in reality, but they must be treated as equals by the law. Otherwise the entire structure of freedom collapses.

The libertarian who becomes "soft" on psychiatric issues should not forget that someone must implement his desire to help people against their wishes. Civil commitment is the ultimate expression of state involvement in the life of a citizen, for it declares him unfit for liberty. Who shall implement such power? Psychiatrists? Philosopher-kings? Political bureaucrats? Juries? The writers of the letters to REASON? Anyone who takes it upon himself to make such a judgment of another person must become the master of that other person. When the state is involved, this means totalitarianism.

The reply that we commonly take over for unconscious patients holds no water. Everyone knows the difference between an unconscious person and an *unwilling* or *uncooperative* person. As a former emergency room physician and a psychiatrist who once worked in hospitals, I cannot recall a single instance where this distinction baffled anyone for more than a few moments. When an emergency physician saves a bleeding but unconscious person, he needs no psychiatric laws to protect his intervention. Medical tradition takes care of that. But should he then choose to treat the person after he becomes conscious and refuses treatment, he must call in a psychiatrist to treat him "for his own good." I don't

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Reason's Letter of the Month

The letter below, by subscriber Teresa E. Gorman, appeared in the October 7, 1975 issue of the *Daily Mail* (London):

VAT "CRIME"

On behalf of the Members of the Association of Self-Employed People I would like to comment on the recent Press reports that in the last eight months over 800 self-employed citizens—tradespeople and professionals included—have been prosecuted for the newly made "crime" of not making "proper" VAT [value added tax] returns.

This is a blatant example of the way in which the Government undermines people's sense of justice and their respect for law by passing legislation which makes criminals of previously law-abiding citizens.

Under the VAT laws, self-employed people are forced to work endless hours, unasked and unpaid, on Government bookkeeping. Of course, many of them simply do not have the time—or the means to pay other people to do the work.

Government brings the law into disrepute by legislating, not to protect its citizens (the proper function of law), but to coerce them into activities which sensible people know to be a stupid waste of time and against their best interests. Productive human energy is criminally wasted on useless scribbling.

Associations like this must be formed to fight the Government on behalf of its citizens. What a way to run a country.

Teresa E. Gorman
Secretary, Association of Self-Employed People
London, S.E.

REASON subscribers are encouraged to write letters to the editor of their favorite newspaper, magazine, or journal, presenting libertarian views on topics of current interest. Each month REASON selects the most notable published letter for republication in this space, and honors the writer by a six-month extension of his or her REASON subscription. Send copies of your published letters to Reason Letter of the Month, Box 6151, Santa Barbara, CA 93111.

think the law should sanction this imposition upon the conscious person.

What about the person who is delerious with fever or drug intoxication and who resists treatment which he might welcome when he is recovered from his physical disorder? This is a sticky problem, and it should remain so. If you take it upon yourself to treat a person against his will because you believe his will is not a true expression of his intact self, then you should also take responsibility for your actions when the person recovers. If he then chooses to seek redress against you on the grounds that he was not physically impaired and indeed did not wish treatment, then you ought to be liable. Yes, this is a tough line to take, but it would stop a great deal of oppression committed in the name of doing good.

Mr. Dunn makes much of defending psychosurgeon José Delgado. I have written about Delgado at length and will be glad to send my analyses to anyone who is interested. I do want to make clear, however, that he has not only called for massive funding of an educational program to indoctrinate Americans into accepting "physical control of the mind," he has experimented with the psychosurgical control of human beings as well, including their remote control by surgically implanted electrodes.

Finally, I want to address myself to the question of ideological purity. Some of the letter writers imply that I am motivated by such a perversion. But is it perverse to reason, to use logic, to seek consistency with one's principles? To the contrary, I feel it is an obligation! And beneath this philosophical issue, there is another more human or personal obligation. When you go to a therapist or psychiatrist, do you want him to bend the rules here and there as he finds one thing or another that he wishes to impose upon you for your own good? I for one would never seek help from anyone who did not consistently and thoroughly advocate my personal freedom. I suspect that most REASON readers would feel the same way. As a psychiatrist and a psychotherapist, I wish to respect each human being's right to be free—even his right to be free of me and my good intentions.
—**P.R.B.**

WEIRD SAM

David Levy's "Learning Economics from Walt Disney World" [October] describes a unique application of Spencer Heath's idea of a proprietary community, in which the city owner collects the rent and sets rules of conduct and public services based on market demand. REASON devoted much of its May 1972 issue to considering proprietary communities like Disney World, speculating that big landowners one day could replace local government.

Government is so bad that some people are willing to replace it with anything. But how many have really considered *living* in a totally planned city?

We have proprietary semi-communities now: mobile-home parks, huge shopping-and-apartment complexes, vertical office/apartment combinations like Chicago's John Hancock tower, and retirement "estates" such as Del Webb's Sun City. Are these the kind of communities we want to live in? The ultimate destination seems to be Paolo Soleri's arcology (i.e., architecture + ecology), the one-building city—privately financed, of course! It looks nice on paper: a combination Hong Kong apartment complex and rocketship to the moon. But would you want to live in one?

This is a completely subjective matter, of course. But I think most people would agree that the esthetic anarchy and economic diversity of a minimally-planned city is more interesting in which to live and work.

Walt Disney World may be a ripsnorting success, but the much-ballyhooed "new towns" haven't done so well. In May 1972, REASON reported enthusiastically on the development of Columbia, MD, the largest of the proprietary "new towns." It had 20,000 residents and was to have housed, employed, and entertained 100,000 altogether. The developers, Rouse Co., had attracted 44 industrial plants, including a GE "appliance park." REASON reported that Columbia had made $3.6 million for Rouse Co. in 1971.

In 1972, Rouse Co. stock sold for $40; by September 1974 it had crumbled to $2.75. It has not recovered. Rouse Co. had to be bailed out by its partner, Connecticut General Insurance Corp. of Hartford. Rouse pulled out of Columbia except for a management contract, blaming the high interest rates. It scratched its new-town ventures at Shelby Farms, TN, and Wye Island, MD, after spending $4.2 million. Said Mr. Rouse: "These projects take more than a decade to get started, and there is just too much uncertainty as to their ultimate viability. Privately-developed new towns are dead in this country for the foreseeable future." (*Forbes,* 1 Oct. 1974)

Meanwhile, when last heard from Paolo Soleri was in the Arizona desert north of Scottsdale trying to build his first arcology with a few idealistic students and even fewer dollars.

So much for the wave of the future.

Specialized projects like suburban shopping centers and Walt Disney World continue to pay off. They may even, with Levy's aid, teach us economics. The best of them are nice places to visit, but . . .

I'll stay where I am, Weird Sam and all.

Bruce Ramsey
Berkeley, CA

PROPRIETARY COMMUNITIES

Walt Disney World proves that a proprietary community works beautifully if it is also the world's largest amusement park. But what about other large private developments that have no such special advantages? There are condominiums in Florida and cooperatives in New York that house thousands of people. Do any of these developments provide their own private fire protection or other "municipal" services? If so, do they do it cheaper and/or more efficiently than nearby governments? Would the residents save money if their development were allowed to withdraw from the city that governs it, receive no city services, and pay no taxes? I would like very much to see an article in REASON that examines these questions as applied to specific condominium and cooperative developments.

Steve Klein
Maynard, MA

ROTHBARD AND VIETNAM

In their letters in the October issue of REASON, Sylvester Petro and several others are guilty of misrepresenting Dr. Murray Rothbard's position in regard to the fall of South Vietnam. Mr. Petro takes the opportunity to also misrepresent the anarcho-capitalist viewpoint. A complete rebuttal of both these errors would not be possible in the space of one short letter. However, I should like to make the following points.

What Dr. Rothbard meant as exhilarating was *not* the communist triumph of Vietnam. What is exhilarating is seeing that a State can fall whenever it loses popular sanction. If a fascist one can fall, then we know a communist one can also. We look for the day when all States shall crumble, not to be replaced with other States, but with the institutions of the free market.

Free market institutions or anarcho-capitalist institutions, if you will, can *never* exist to the exclusion of the State until enough persons accept and *live* the eternal principles of truth. Truth can not be forcibly imposed. Those of us who know and live it already, are not responsible for the errors and/or the immoral actions of others. As long as we do all within our capabilities, we have done all that is possible to bring about the changes we desire. A is A.

Whereas law is indispensible to a free society, it is natural law and *not* statutory law. The former is the basis of a competing common law which derives its enforcement capabilities from a general acceptance within a given community. The latter is the arbitrary rule of man. It is a usurpation and a crime, to use the words of the great individualist anarchist, Lysander Spooner.

Michael A. Nash
Memphis, TN

CAMPAIGN ISSUES

With the sort of start Lloyd Taylor has given himself in his run for San Francisco County Supervisor he deserves to lose.

Regardless of whether his views on prostitution, gambling, minimum wage laws, and child labor laws are correct, he is tilting at the wrong windmills. The majority of the issues he has proclaimed about are imbedded in state and Federal statutes, and no county supervisor in California is going to be able to do much about them.

If he wants to tackle those issues he should run for state or Federal office. He would do far better to limit his attack to the injustices imbedded in local law.

I wonder if he realizes that his proposed ban on the sale of fluorocarbons would make most refrigerants and a number of very valuable anesthetic drugs unavailable. As a member of an endangered species (anesthesiologists) I resent that very much.

Kenneth R. Noel, M.D.
El Centro, CA

Mr. Taylor replies: A person is free to engage in any profession or use any product as long as he does not infringe on another's rights. When a person pollutes the atmosphere with fluorocarbons—which some evidence shows destroys the ozone layer—he infringes on my rights to be left alone. Flurocarbons are in the same class as water pollution and noise pollution. A proper function of the state is to prohibit pollution of another's property.

Government banning of cyclamate food products to "protect" my health infringes on my right to eat hazardous food if I so wish. Government banning of fluorocarbon aerosols may protect me from someone else's actions which increases the risk of skin cancer to everyone.—**L.T.**

ETHICS VS. POLITICS

The recent accounts of the Libertarian Party National Convention have caused much doubt in my mind as to what some people believe libertarianism as a political philosophy entails. Libertarianism holds that it is morally right (good) that people live with one another in such a way that none of their relationships suffer the initiatory use or threat of physical force in any form. Libertarianism is differentiated from other political philosophies by the fact that it holds this type of relationship among people (called "liberty" or "freedom") as the primary social good. Thus, libertarianism has a moral point of view; it declares what ought to be in society. To say this, however, is not to say that libertarianism is a complete moral code, a sufficient guide for all human actions. Libertarianism per se is a political philosophy not an ethical system. (This is not to deny that the justification for libertarianism might only lie within a specific ethical system.)

To many the above may seem an exercise in the obvious, but I do so with real purpose. If the above remarks are true, then some of the remarks about the national convention seem ridiculous. Complaints to the effect that *as* libertarians it was wrong to deny a person nomination on grounds that he is a homosexual have no basis. There is nothing in the libertarian point of view that demands that one consider homosexuality or bisexuality as just another competing "life style" as opposed to a sexual/psychological sickness!! There is nothing in the libertarian point of view that prohibits non-coercive acts of discrimination against homosexuals, bisexuals, blacks, Harvard professors, etc. The moral status of such actions belongs (at least) to the realm of ethics, not political philosophy. Further, as regards the morality of homosexuality or bisexuality, nothing follows from the commitment to freedom. The right to different sexual preferences does not make any preference right, and it certainly does not protect you from suffering from "social disdain" if that preference is judged as less than morally right. Just as it is a mistake to speak of the rights to liberty and property without a realization that these are ethical claims, so too it is a mistake to assume that these rights exhaust the ethical arena. For the protection of both liberty and morality, it is vital that libertarians do not blur this distinction.

Douglas B. Rasmussen
Milwaukee, WI

Letters from readers are welcome. Each receives editorial consideration, although only a selection can be published and none individually acknowledged. They should be kept as brief as possible and are subject to condensation. Letters submitted for publication in this column should be typed, double-spaced. Send letters to REASON, P.O. Box 6151, Santa Barbara, CA 93111.

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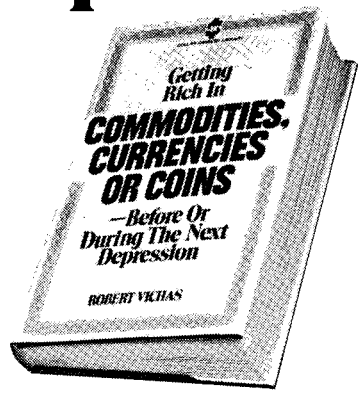

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